

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW  
**NOTICE PUBLICATION/REGULATIONS SUBMISSION**  
STD. 400 (REV. 7-90)

**APPROVED**  
(See instructions on reverse)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-070304N		
For use by Office of Administrative Law (OAL) only				
199 JUL -1 PM 2 32 OFFICE OF ADMINISTRATIVE LAW				
NOTICE			REGULATIONS	
AGENCY			AGENCY FILE NUMBER (if any)	
State Department of Social Services			RIB # 191-05	

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG 2 1991

At 4:39 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Ann M. Maravased  
Deputy Secretary of State

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified		<input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND
	REPEAL
TITLE(S)	See Attached
22	Section 35205

2. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify)			

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)
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5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

445-0313

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Lonnie M. Carlson

TYPED NAME AND TITLE OF SIGNATORY

Lonnie M. Carlson, Interim Director

DATE

6-27-91

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Sections Amended:

Sections 35000, 35001, 35003, 35005, 35007, 35009, 35011, 35015, 35017, 35019, 35021, 35023, 35025, 35027, 35029, 35031, 35035, 35037, 35039, 35041, 35045, 35047, 35049, 35051, 35053, 35055, 35057, 35059, 35061, 35063, 35065, 35069, 35079, 35081, 35083, 35085, 35087, 35089, 35091, 35093, 35095, 35095.1, 35095.2, 35097, 35099, 35101, 35103, 35105, 35107, 35109, 35111, 35113, 35115, 35117, 35119, 35121, 35123, 35125, 35126, 35127.1, 35127.2, 35129, 35131, 35133, 35134, 35135, 35137, 35139, 35141, 35143, 35145, 35147, 35148, 35149, 35151, 35153, 35155, 35157, 35159, 35161, 35163, 35165, 35167, 35169, 35171, 35173, 35175, 35177, 35183, 35185, 35187, 35189, 35191, 35193, 35195, 35197, 35199, 35201, 35203, 35207, 35209, 35211, 35213, 35215, 35217, 35219, 35223, 35225, 35227, 35229, 35231, 35233, 35241, 35243, 35245, 35247, 35249, 35251, 35253, 35255, 35257, 35259, 35261, 35263, 35265, 35267, 35269, 35271, 35273, 35275, 35277, 35279, 35281, 35283, 35285, 35287, 35289, 35291, 35293, 35295, 35297, 35299, 35301, 35303, 35305, 35307, 35309, 35311, 35313, 35315, 35317, 35319, 35321, 35323, 35325, 35357, 35359, 35361, 35363, 35365, 35367, 35369, 35371, 35373, 35379, 35385, and 35387.

## Memorandum

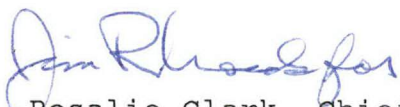
To : Office of Administrative Law  
555 Capitol Mall  
Suite 1290  
Sacramento, CA 95814

Date : July 3, 1991  
RDB #0191-05  
Subject: Editorial Package

From : **Department of Social Services**

The Department of Social Services is submitting the enclosed regulations package as a nonsubstantive change with nonregulatory effect. The enclosed Statement of Reasons provides details for each change to substantiate this Section 100 filing.

If you have any questions, please call Jim Rhoads at 445-0313.



Rosalie Clark, Chief  
Regulations Development Bureau

Attachment



Amend Section 35000 to read:

35000 DEFINITIONS

35000

(a) (1) (Continued)

- (5) "Adoptive Parent" means a person who has petitioned the court for, and obtained a final decree for the adoption of a particular child or children adoptive parent as defined at Civil Code Section 220.20(a).

HANDBOOK BEGINS HERE

(A) Civil Code Section 220.20(a) reads as follows:

"'Adoptive parent' means a person who has petitioned the court for, and obtained, an order or final decree for the adoption of a particular child or children."

HANDBOOK ENDS HERE

(6) (Continued)

- (7) "Agency Adoption" means an adoption in which an agency is authorized for agency adoption as defined at Civil Code Section 220.20(b).

HANDBOOK BEGINS HERE

(A) Assume care, custody, and control of the child through relinquishment of the child to the agency or involuntary termination of parental rights, and

(B) place the child for adoption, and

(C) supervise the adoptive placement,

(A) Civil Code Section 220.20(b) reads as follows:

"'Agency adoption' means the adoption of a child, other than an intercountry adoption, in which the department or an agency licensed by the department is a party to, or joins in, the petition for adoption."

HANDBOOK ENDS HERE

(8) (Continued)

- (9) "Applicant" means a person who has submitted a written application to adopt a child from an agency and who is being considered by the agency for the adoptive placement of a child an applicant as defined at Civil Code Section 220.20(c).

HANDBOOK BEGINS HERE

(A) Civil Code Section 220.20(c) reads as follows:

"'Applicant' means a person who has submitted a written application to adopt a child from the department or licensed adoption agency and who is being considered by the department or agency for the adoptive placement of a child."

HANDBOOK ENDS HERE

(b) (1) "Birth Parent" means ~~the biological parent of a child~~ a birth parent as defined at Civil Code Section 220.20(d).

HANDBOOK BEGINS HERE

(A) Civil Code Section 220.20(d) reads as follows:

"'Birth parent' means the biological parent or, in the case of a child previously adopted, the adoptive parent."

HANDBOOK ENDS HERE

(c) (1) (Continued)

(4) "Child" means ~~an unmarried and unemancipated person under the age of eighteen years~~ child as defined at Civil Code Section 220.20(e).

HANDBOOK BEGINS HERE

(A) Civil Code Section 220.20(e) reads as follows:

"'Child' and 'children' mean minor child and minor children, respectively."

HANDBOOK ENDS HERE

(B) For the purposes of intercountry adoption "child" means a foreign-born, unmarried, unemancipated person under the age of sixteen years.

(5) (Continued)

(d) (1) (Continued)

(2) "Delegated County Adoption Agency" means delegated county adoption agency as defined at Civil Code Section 220.20(f).

HANDBOOK BEGINS HERE

(A) Civil Code Section 220.20(f) reads as follows:

"'Delegated county adoption agency' means a licensed county adoption agency that has agreed to provide those services described in Article 3 (commencing with Section 224.10)."

HANDBOOK ENDS HERE

(23) "Department" means ~~the State Department of Social Services~~ department as defined at Civil Code Section 220.20(g).

HANDBOOK BEGINS HERE

(A) Civil Code Section 220.20(g) reads as follows:

"'Department' means the State Department of Social Services."

HANDBOOK ENDS HERE

(34) (Continued)

(f) (1) (Continued)

(8) "Full-Service Adoption Agency" means full-service adoption agency as defined at Civil Code Section 220.20(h).

HANDBOOK BEGINS HERE

(A) Civil Code Section 220.20(h) reads as follows:

"'Full-service adoption agency' means any licensed entity engaged in the business of providing adoption services, which does all of the following:

- (1) Assumes care, custody, and control of a child through relinquishment of the child to the agency or involuntary termination of parental rights to the child.
- (2) Assesses the birth parents, prospective adoptive parents, or child.
- (3) Places children for adoption.
- (4) Supervises adoptive placements.

Private full-service adoption agencies should be organized and operated on a nonprofit basis. Full-service adoption agencies may provide services to birth parents or prospective adoptive parents pursuant to Section 224.50 until January 1, 1994."

(B) Services pursuant to Civil Code Section 224.50 are located at Sections 35127.1 and 35127.2.

HANDBOOK ENDS HERE

(89) (Continued)

- (i) (1) "Independent Adoption" means an adoption in which a birth parent selects the adoptive parents based upon the definition of "place for adoption" as specified in Civil Code Section 224g and consents to the adoption independent adoption as defined at Civil Code Section 220.20(i).

HANDBOOK BEGINS HERE

(A) Civil Code Section 224g 220.20(i) reads as follows:

"As used in this chapter, "place for adoption" in the case of an adoption to which neither the State Department of Social Services nor a licensed adoption agency is a party, means the selection of a prospective adoptive parent or parents for a minor child by the parent or parents. The selection shall be personally made by the parent or parents of the child and may not be delegated to an agent. The act of selection by the parent or parents shall be based upon his, her, or their personal knowledge of the prospective adoptive parent or parents. "Personal knowledge" includes, but is not limited to, substantially correct knowledge of all of the following regarding the prospective adoptive parents: their full legal name; age; religion; race or ethnicity; employment; whether other persons; whether children and adults; reside in their home; any health conditions curtailing their normal daily activities or reducing their normal life expectancy; and their general area of residence. or upon request, their address. "Prospective adoptive parent" means a person who has filed or intends to file a petition to adopt a minor who has been or who is to be placed in his or her physical care. "Independent adoption" means the adoption of a child in which neither the department nor an agency licensed by the department is a party to, or joins in, the petition for adoption."

HANDBOOK ENDS HERE

- (2) "Independent Adoption Preplacement Program" means the voluntary alternative procedure within the Independent Adoption Program authorized by Civil Code Section 226.51 224.50 available to prospective adoptive parents and birth parents choosing independent adoption. This alternative procedure provides for preplacement assessment of adoptive parents and preplacement advising of birth parents.



(3) (Continued)

- (12) "Intercountry Adoption" means intercountry adoption as defined at Welfare and Institutions Code Section 16140 Civil Code Section 220.20(j).

HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code Section 16140 220.20(j) reads as follows:

~~"For the purpose of this chapter 'Intercountry adoption' means the adoption of a foreign-born child for whom federal laws make~~ makes a special immigration visa available. Intercountry adoption includes completion of the adoption in the child's native country or completion of the adoption in California."

HANDBOOK ENDS HERE

(j) (Continued)

(k) (Continued)

- (1) ~~Reserved~~ (1) "Licensed Adoption Agency" means licensed adoption agency as defined at Civil Code Section 220.20(k).

HANDBOOK BEGINS HERE

- (A) Civil Code Section 220.20(k) reads as follows:

"'Licensed adoption agency' means an agency licensed by the department to provide adoption services, including a licensed county adoption agency and a licensed private adoption agency."

HANDBOOK ENDS HERE

(m) (1) (Continued)

- (n) (1) "Noncustodial Adoption Agency" means noncustodial adoption agency as defined at Civil Code Section 220.20(l).

**HANDBOOK BEGINS HERE**

- (A) Civil Code Section 220.20(l) reads as follows:

"'Noncustodial adoption agency' means any licensed entity engaged in the business of providing adoption services, which does all of the following:

- (1) Assesses the prospective adoptive parents.

(2) Cooperatively matches children freed for adoption, who are under the care, custody, and control of a licensed adoption agency, for adoption with assessed and approved prospective adoptive applicants.

(3) Cooperatively supervises adoptive placements with a full-service adoption agency, but does not disrupt a placement or remove a child from a placement.

Private noncustodial adoption agencies shall be organized and operated on a nonprofit basis. Noncustodial adoption agencies may provide services to birth parents or prospective adoptive parents pursuant to Section 224.50 until January 1, 1994."

(B) Services pursuant to Section 224.50 are located at Sections 35127.1 and 35127.2.

HANDBOOK ENDS HERE

(12) (Continued)

(o) (Continued)

(p) (1) (Continued)

(4) "Personal Knowledge" means personal knowledge as defined at Civil Code Section 220.20(m).

HANDBOOK BEGINS HERE

(A) Civil Code Section 220.20(m) reads as follows:

"'Personal knowledge' includes, but is not limited to, substantially correct knowledge of all of the following regarding the prospective adoptive parents: their full legal name, age, religion, race or ethnicity, employment, whether other children or adults reside in their home, any health conditions curtailing their normal daily activities or reducing their normal life expectancy, and their general area of residence or, upon request, their address."

HANDBOOK ENDS HERE

(5) "Petitioner" means petitioner as defined at Civil Code Section 220.20(n).

HANDBOOK BEGINS HERE

(A) Civil Code Section 220.20(n) reads as follows:

"'Petitioner' means a prospective adoptive parent who has filed an adoption petition with the superior court pursuant to the provisions of this chapter in the county within which he or she resides."

HANDBOOK ENDS HERE

(6) "Place for Adoption" means place for adoption as defined at Civil Code Section 220.20(o).

HANDBOOK BEGINS HERE

(A) Civil Code Section 220.20(o) reads as follows:

"'Place for adoption' means, in the case of an independent adoption, the selection of a prospective adoptive parent or parents for a child by the birth parent or parents."

HANDBOOK ENDS HERE

(47) (Continued)

HANDBOOK BEGINS HERE

(A) A ~~partial quote~~ portion of the content of Civil Code Section 7004 is located at Section 35029(c)(1).

HANDBOOK ENDS HERE

(38) "Prospective Adoptive Parent" means ~~a person with whom a child has been placed for adoption by an agency and for whom a final decree of adoption has not been granted~~ prospective adoptive parent as defined at Civil Code Section 220.20(p)."

HANDBOOK BEGINS HERE

(A) Civil Code Section 220.20(p) reads as follows:

"'Prospective adoptive parent' means a person who has filed or intends to file a petition to adopt a child who has been or who is to be placed in his or her physical care."

HANDBOOK ENDS HERE

(q) (Continued)

(r) (1) (Continued)

- (2) "Rescission" means an action taken by mutual agreement between the relinquishing parent and the agency which accepted the relinquishment, to nullify the relinquishment after it has been filed.

(s) (1) (Continued)

- (4) "Special Needs Child" means a special needs child as specified in Welfare and Institutions Code Section 16118 defined at Civil Code Section 220.20(q).

HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code Section 16118 220.20q. reads in relevant part as follows:

"Welfare and Institutions Code Section 16118 / / / / a 'Special needs child' means a child whose adoption without financial assistance would be unlikely because of adverse parental background, ethnic background, race, color, language, membership in a sibling group which should remain intact, mental, physical, medical, or emotional handicaps or age of three years or more."

(B) (Continued)

HANDBOOK ENDS HERE

(t) (Continued)

Authority Cited: Sections 10553, 10554, 16118 and 16118(a), and 16117 Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 224.50(h) and 226.11 228/31/17, Civil Code.

Reference: Sections 10553 / 10554 / 10800, 16000, 16115, 16118 / 16118, 16119, 16120, 16120.1, and 16121, Welfare and Institutions Code; Sections 25, 62, 211, 220.20(a), 220.20(b), 220.20(c), 220.20(d), 220.20(e), 220.20(f), 220.20(g), 220.20(h), 220.20(i), 220.20(j), 220.20(k), 220.20(l), 220.20(m), 220.20(n), 220.20(o), 220.20(p), 220.20(q), 224 / 224h / 224h / 224d / 228/1 / 228/2 / 228/4 / 228/51 / 228/6 / 228d / 228d / 227 / 227b / 232, 239, 7001, 7002, 7003, 7004, and 7017, Civil Code; Section 1502, Health and Safety Code; Section 13290, Government Code; 8 USC 1101(b)(1)(F); 25 USC 1901, 1903(2), (3), (4), (5), (6), (8), (9), (11), and (12); 42 USC 673 and 675; Section 11105(a)(2), Penal Code; and 28 CFR Section 16.31; and 45 CFR 1356.41(i).



Amend Sections 35001, 35003, 35005, and 35007 Reference Notes to read:

35001 INITIALING THE RELINQUISHMENT OR CONSENT FORM (Continued) 35001

Reference: Sections ~~224~~ 222.10 and ~~226/2~~ 224.40, Civil Code.

35003 RELINQUISHMENT AND CONSENT PROCEDURES FOR PARENTS WHO 35003  
CANNOT READ ENGLISH (Continued)

Reference: Sections ~~224~~ 222.10 and ~~226~~ 224.40, Civil Code.

35005 RELINQUISHMENT AND CONSENT PROCEDURES FOR PARENTS WHO 35005  
CANNOT READ (Continued)

Reference: Sections ~~224~~ 222.10 and ~~226.2~~ 224.40, Civil Code.

35007 RECORDING OF READING OF FORMS (Continued) 35007

Reference: Sections ~~224.1~~ 222.10 and ~~226.1~~ 224.40, Civil Code.

Amend Section 35009 to read:

(a) (Continued)

Authority Cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code and Section 1530, Health and Safety Code.

Amend Section 35011 to read:

35011 RECRUITMENT OF ADOPTIVE APPLICANTS

35011

(a) (Continued)

(1) To recruit applicants, the agency shall follow the requirements of Civil Code Section 222.37.

HANDBOOK BEGINS HERE

(A) The content of Civil Code Section 222.37 is located at Section 35047(a)(24)(A).

HANDBOOK ENDS HERE

(12) (Continued)

Authority Cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Sections 222.35, 222.36, 222.37, and 222.38 ~~276~~, Civil Code; Sections 16115.5 and 16119, Welfare and Institutions Code; and 45 CFR 1355.40.

Amend Section 35015 to read:

35015 RECRUITMENT EFFORTS FOR CHILDREN WHO HAVE BEEN  
FREED FOR ADOPTION

35015

(a) The agency's efforts to recruit adoptive parents of the child's identified racial, ethnic, cultural, or religious background shall include the following within the first ~~six~~ three months after the action freeing the child for adoptive placement: (Continued)

(4) Participation in the state photo-listing album of children as appropriate/

(5) Contact with parent groups regarding specific children.

Authority Cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Sections 222.35, 222.36, 222.37, and 222.38, ~~276~~ Civil Code; Sections 16115.5 and 16119, Welfare and Institutions Code; and 45 CFR 1355.40.



Amend Sections 35017 and 35019 Authority and/or Reference Notes to read:

35017      REQUIREMENTS FOR PHOTO-LISTING CHILDREN WHO HAVE BEEN      35017  
FREED FOR ADOPTION (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 222.30(b) 224b, Civil Code.

Reference: Sections 222.30 ~~224b~~ and ~~224b(e)~~, Civil Code.

35019 NOTIFICATION OF CHANGES IN PHOTO-LISTING STATUS AND 35019  
UPDATING PHOTO-LISTING INFORMATION (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code;  
Section 1530, Health and Safety Code; and Section 222.30(b),  
Civil Code.

Reference: Section 222.30 ~~2246~~, Civil Code.

Amend Section 35021 to read:

35021 COMPLIANCE WITH CCR REQUIREMENTS FOR THE STAFFING OF  
ADOPTION AGENCIES

35021

- (a) The agency shall comply with Title 22, California Code of Regulations, Division 6, Chapter 9, Articles 1 and 2.

HANDBOOK BEGINS HERE

- (1) The sections of the California Code of Regulations which are relevant to the recruitment and maintenance of the agency's staff read as follows:

~~HANDBOOK ENDS HERE~~

89140 (Continued)

89143 (Continued)

89146 (Continued)

89149 (Continued)

89152 (Continued)

(b) (Continued)

- (3) Optional Requirement -- Homefinding Agency. In a public or private homefinding agency, a master's degree in behavioral science from an accredited graduate school as the only requirement for supervisory personnel may be authorized by the Department if the agency has Department approved in-service training and staff development programs for staff not possessing formal social work training.

89155 (Continued)

- (e) Additional Optional Requirement -- Public and Private Homefinding Agency. In a homefinding agency, the Department may authorize the provision of social services by a person with a baccalaureate degree in a behavioral science from an accredited college or university, provided that direct supervision is given by a social worker meeting the requirements contained in Section 89152 of these regulations.

89158 (Continued)

89161 (Continued)

(a) (Continued)

(5) (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section 16100, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Amend Section 35023 to read:

35023 INFORMATION AND AUTHORIZATION

35023

(a) The agency shall obtain the following information regarding the child's birthparents:

(1) If any documentation or oral report indicates that the birth parent may be of Indian ancestry, the agency shall obtain that information required by Section 35357(a).

(2) (Reserved)

HANDBOOK BEGINS HERE

(12) (Continued)

HANDBOOK ENDS HERE

(23) (Continued)

(34) (Continued)

(45) (Continued)

HANDBOOK ENDS HERE

(56) (Continued)

(67) Race and ethnic background

(A) If any documentation or oral report indicates that the birth parent may be of Indian ancestry, the agency shall obtain that information required by Section 35357(a).

(78) Medical background, including illnesses, diseases, or defects of a hereditary or genetic nature as required by Civil Code Section 224.26(a), 224.70(a), or 226.35(a) including the medical history of the birth parent's extended family if available.

HANDBOOK BEGINS HERE

(A) The relevant content of Civil Code Section 224.26(a) is found at Section 35209(a)(1).

(B) The content of Civil Code Section 224.70(a) is found at Section 35093(a)(3)(B).



(C) The content of Civil Code Section 226.35(a) is found at Section 35275(a)(1).

HANDBOOK ENDS HERE

(~~8~~9) (Continued)

(~~9~~10) The agency shall obtain the birth mother's authorization for the release of medical information prior to fulfilling the requirement of Section 35023(a)(~~7~~8). (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and ~~224.70(b)~~ Sections 222.26(b), 224.70(b), and 226.35(b), Civil Code.

Reference: Sections ~~224.70(a)~~ 222.26(a), 224.70(a), 226.35(a), and 7000 et seq., Civil Code; ~~and~~ Section 10553(e), Welfare and Institutions Code; and 25 U.S.C. 1901 et seq.

Amend Sections 35025 and 35027 Authority and/or Reference Notes to read:

35025 IDENTIFICATION OF PARENTS - AGENCY ADOPTIONS (Continued) 35025

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~  
Section 1530, Health and Safety Code; and ~~224.26(a)~~ Section  
222.26(b), Civil Code.

Reference: Sections 222.26(a), 222.75, ~~224.26(a)~~ 224.26 ~~224.26~~ 226.26 and  
7004, Civil Code.

35027 IDENTIFICATION OF PARENTS - INDEPENDENT ADOPTIONS (Continued) 35027

Authority: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~  
Section 1530, Health and Safety Code; and Section 224.70(b),  
Civil Code.

Reference: Sections 221.80, 224.42, 224.70(a) ~~224.26~~ 224.26 ~~224.26~~ 226.26, and  
7004, Civil Code.

Amend Section 35029 to read:

35029 INDEPENDENT ADOPTIONS

35029

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

(c) (Continued)

(1) In the absence of a signed consent, parental rights shall be terminated by legal action pursuant to Civil Code Section ~~224~~ 221.20 or 232.

(d) When there is more than one presumed father, the rights of all presumed fathers shall be terminated either by consent to adoption of the child or by legal action pursuant to Civil Code Section ~~224~~ 221.20 or 232.

(1) Handbook (Continued)

(e) (Continued)

(f) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Sections 221.20, 221.76, 224.62, 224.70 ~~224/ 224.1/ 226.1/ 229~~, 232, 7004, 7006, and 7017, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35031 to read:

35031 AGENCY ADOPTIONS

35031

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

(c) (Continued)

(1) When there is more than one presumed father, the rights of all presumed fathers shall be terminated as specified in Section 35031(c)

(2) Subject to the exceptions set forth in Sections 35031(b) (1) (A) through (c), the parental rights of all alleged natural fathers shall be terminated prior to the placement of the child for adoption by any of the following: (Continued)

(d) (Continued)

(e) (Continued)

(f) (Continued)

(g) (Continued)

(h) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Sections 221.20, 221.76, 222.10 ~~224/ 224a/ 226/1/ 229~~, 232, 7004, 7006, and 7017, Civil Code; 414.10, 415.30, 415.50, 417.10, and 417.20, Code of Civil Procedure; and 25 U.S.C. 1901 et seq.

Amend Section 35035 Reference Note to read:

35035 FILING OF DOCUMENTS - AGENCY ADOPTIONS (Continued)

35035

Reference: Sections 221.76, 222.10 ~~224.10~~ 229, 232, 7004, 7006, and 7017~~1~~, Civil Code; and Sections 414.10, 415.10, 415.30, 415.40, 415.50~~1~~, 417.10, and 417.20, Code of Civil Procedure.

Amend Section 35037 to read:

35037 FEES

35037

- (a) Adoption agencies shall comply with the requirements of Title 22, California ~~Administrative~~ Code of Regulations, Division 6, Section 89137 and Civil Code Sections ~~224.47 and 225.72~~ 222.72, 224.47, 226.28, and 229.40.

HANDBOOK BEGINS HERE

- (1) Title 22, California ~~Administrative~~ Code of Regulations, Section 89137 requires private agencies to obtain the approval of the department regarding the maximum fee that may be charged, and the agency's fee payment plan.
- (2) Civil Code Section ~~227.40~~ 229.40(d) permits the agency to charge a reasonable fee to cover the costs of processing the requests for information under Civil Code Section ~~227.40~~ 229.40(a).
- (3) Civil Code Section ~~225.72~~ 222.72 permits a public agency to charge a fee of \$500. This fee may be deferred, waived, or reduced when:  
(Continued)
- (4) Civil Code Section 224.47 requires the petitioner, when a petition is filed in an independent adoption filed on or after September 1, 1989, to pay \$500 to the department or delegated county adoption agency.
  - (A) The fee must be paid prior to the filing of a favorable report pursuant to Section 35091.
  - (B) The fee may be deferred, waived or reduced if it would cause an economic hardship to the prospective adoptive parent and would be detrimental to the welfare of the child.
- (5) See Section 35249 for fee requirements for agencies licensed to provide intercountry adoption services.

HANDBOOK ENDS HERE

(b) (Continued)

HANDBOOK BEGINS HERE

- (1) Civil Code Sections ~~226.30~~ 222.40, 224.49, and 226.30 provides that any fee charged by a law enforcement agency for fingerprinting or for checking or obtaining the criminal record of the applicant or petitioner shall be paid by the applicant or petitioner.

- (2) Civil Code Sections ~~226.55~~ 222.40, 224.49 and 226.30 provide~~s~~ that the adoption agency or the Department may defer, waive, or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child, when the child has been in the foster care of the adoptive parents for at least one year, or if necessary for the placement of a special needs child.

HANDBOOK ENDS HERE

- (3) (Continued)

Authority Cited: Sections 10553, 10554, and 16118(a), ~~and 16141~~/ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section ~~226.55~~ 226.11, Civil Code.

Reference: Sections 222.40, 222.72, 224.47, 224.49, 226.28, 226.30, and 229.40 ~~224.41/ 225.61/ 226.55/ and 227.61~~, Civil Code and Section 89137, Title 22, California Code of Regulations.

Amend Section 35039 to read:

35039     MANUAL

35039

- (a) Agencies shall make available a copy of ~~the Manual of Policies and Procedures~~ Title 22, California Code of Regulations, Division 70 2, Chapter 3 to all agency employees who provide adoption services.
- (b) ~~The Agencies~~ shall make available a copy of Title 22, California ~~Administrative~~ Code of Regulations, Division 6, to all agency employees who provide adoption services.

Authority Cited:    Sections 10553, 10554, and 16118(a), ~~and 16141~~ Welfare and Institutions Code; Section 226.11, Civil Code; and Section 1530, Health and Safety Code.

Reference:           Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.



Amend Section 35041 Authority Note to read:

35041 REPORTING REQUIREMENTS (Continued)

35041

Authority Cited: Sections 10553, 10554, and 16118(a), ~~and 16141~~/ Welfare and Institutions Code; Section 226.11, Civil Code; and Section 1530, Health and Safety Code.

Amend Section 35045 to read:

35045 COMPLIANCE WITH CCR REQUIREMENTS FOR CONTENT OF CASE RECORD 35045

- (a) Adoption agencies shall comply with the requirements of Title 22, California ~~Administrative~~ Code of Regulations, Division 6, Sections 89179 and 89182.

HANDBOOK BEGINS HERE

- (1) (Continued)
- (2) Title 22, California ~~Administrative~~ Code of Regulations, Divisions 6, Section 89182 requires the following:
  - (A) (Continued)
  - (B) (Continued)
    - 1. through 6. (Continued)

~~HANDBOOK ENDS HERE~~

- 7. through 10. (Continued)

- (~~c~~b) (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section 1530, Health and Safety Code.

Amend Section 35047 to read:

35047     ADDITIONAL REQUIREMENTS FOR ADOPTIONS CASE RECORDS

35047

(a) (Continued)

- (11) Copies of requests for medical background information under Civil Code Sections ~~224~~ 222.26, 224.70 or 226.35.
- (12) Copies of medical background information transmitted to an adoptee and adoptive parent at time of placement under Civil Code Sections ~~224 and 224.1~~ 222.26(a) 224.70(a) or 226.35(a) and 229.30.
- (13) Copies of requests for identifying information under Civil Code Section ~~221~~ 229.40.
- (14) Copies of identifying information provided under Civil Code Section ~~227~~ 229.40.
- (15) Copies of waivers of the right to confidentiality of adoption case records under Civil Code Section ~~230~~ 229.50.
- (16) through (23)    (Continued)

HANDBOOK BEGINS HERE

- (A) Civil Code Sections ~~226/33~~ 222.40, 224.49, and 226.30 provides that the adoption agency or the Department may defer, waive, or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child, when the child has been in foster care with adoptive parents for at least one year, or if necessary for the placement of a special needs child.

HANDBOOK ENDS HERE

- (24) Documentation indicating that a diligent search was made to meet the requirements of Civil Code Section 222.37.

HANDBOOK BEGINS HERE

- (A) Civil Code Section 222.37 reads as follows:

"Every public or private agency shall maintain records for the placement of each child to show that a diligent search has been conducted for families meeting the criteria of Section 222.35, and in accordance with diligent search rules which shall be adopted by the department. In conducting a diligent search, each agency shall use all appropriate resources, as necessary, in a directed effort to recruit a family meeting the placement preference criteria through (a) the use of all appropriate intra-agency and interagency, state, regional, and national

exchanges and listing books, (b) child-specific recruitment in electronic and printed media coverage, and (c) the use of agency contact with parent groups to advocate for specific waiting children.

Records of agencies maintained pursuant to this section may be reviewed upon request by the state department."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553~~d~~ and 10554, Welfare and Institutions Code/  
~~and Section 226.37, Civil Code.~~

Reference: ~~Section 10553, Welfare and Institutions Code;~~ Sections 1501,  
1502, 1503, and 1508/, Health and Safety Code; Sections  
89179 and 89182, Title 22, California Code of Regulations;  
and Sections 226.37, 222.37, 222.40, 224.49, and 226.30,  
Civil Code.

Amend Section 35049 to read:

35049 RELEASE OF INFORMATION FROM AN ADOPTION CASE RECORD

35049

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provision of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

- (4) The agency shall arrange for contact among an adult adoptee, his/her birth parent and any living adoptive parent as required by Civil Code Section ~~220.5~~ 229.50.

HANDBOOK BEGINS HERE

(A) (Continued)

- (B) Civil Code Section ~~220.5~~ 229.50, in pertinent part, reads ~~in part~~:

~~"Civil Code Section 220.5/ ...if an adult adoptee, his or her natural birth parent, and any living adoptive parent have each filed a written waiver of his or her rights with respect to the confidentiality of adoption records with the department at Sacramento or any licensed adoption agency, the department or the licensed agency may arrange for contact among those persons. The Neither the department nor a licensed adoption agency shall not solicit, directly or indirectly, the execution of such a waiver..."~~

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code.

Reference: Section 10850(d), Welfare and Institutions Code; ~~and~~ Sections ~~220.5~~ 229.50 and 1798.24(r)(s), Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35051 to read:

35051 PROVIDING A MEDICAL REPORT

35051

- (a) The agency shall provide copies of the medical report which is required by Civil ~~Code~~ Section ~~224~~ 229.30.

HANDBOOK BEGINS HERE

- (1) Civil Code Section ~~224~~ 229.30 reads as follows:

"~~Civil Code Section 224~~ Notwithstanding any other provision of law, the ~~State Department of Social Services~~ or the licensed adoption agency which made the report required by Section ~~224~~ 222.26, 224.70, or 226.35 shall, upon the request of a person who has been adopted pursuant to this chapter and who has attained the age of 18 or who presents a certified copy of his or her marriage certificate, or upon the request of the adoptive parent of a person under the age of 18 who has been adopted pursuant to this chapter, provide that person with a copy of the medical report required by Section ~~224~~ 222.26, 224.70, or 226.35 in the manner that the department shall prescribe the regulation. A person who is denied access to a medical report pursuant to the regulations adopted pursuant to this section may petition the superior court for review of the reasonableness of the department's or licensed adoption agency's decision. The names and addresses of any persons contained in the report shall be removed therefrom unless the person requesting the report has previously received the information pursuant to subdivision (~~a~~) of Section ~~227~~ 229.40."

HANDBOOK ENDS HERE

- (2) The agency shall delete the names and addresses of any persons contained in the report unless the person requesting the report has previously received the information pursuant to Civil Code Section ~~227~~ 229.40(a).
- (3) (Contained)

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code.

Reference: Section ~~224~~ 229.30, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35053 to read:

35053 DISCLOSING INFORMATION TO THE ADOPTEE

35053

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) The agency shall disclose to the adoptee upon his/her request the name and most current address of a birth parent of an adoptee whose relinquishment for or consent to adoption was signed on or after January 1, 1984, in accordance with the provisions of Civil Code Section ~~227(b)~~ 229.40(a).

HANDBOOK BEGINS HERE

(1) Civil Code Section ~~227(b)~~ 229.40(a), in pertinent part, reads ~~as~~ follows:

"~~Civil Code Section 227(b)~~ The ~~State Department of Social Services~~ or a licensed adoption agency shall, (1) upon request of a person who has been adopted pursuant to this chapter and who has attained the age of 21, disclose the identity of the birth parent or parents of the person and the most current address of the birth parent or parents as shown in the records of the department or licensed adoption agency, if the birth parent or parents have indicated consent to the disclosure in writing; and (2) upon request of the birth parent of a person who has been adopted pursuant to this chapter and who has attained the age of 21, disclose the adopted name of the adoptee and his or her most current address as shown in the records of the department of licensed adoption agency if the adult adoptee has indicated in writing, pursuant to the registration program developed by the ~~State Department of Social Services~~, that he or she wishes his or her name and address to be disclosed. The department or licensed adoption agency also shall disclose the identity of a birth parent and his or her most current address as shown in the records of the department or licensed adoption agency upon the request of the adoptive parent of a person under the age of 21 who has been adopted pursuant to this chapter, upon the finding by the department or licensed adoption agency that a medical necessity or other extraordinary circumstances justify the disclosure....

~~The provisions of~~ This subdivision shall not be applicable ~~where~~ if a birth parent or an adoptee has indicated that he or she does not wish his or her name or address disclosed."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code.

Reference: Section ~~227(b)~~ 229.40(a), Civil Code; and 25 U.S.C. 1901 et seq.



Amend Section 35055 to read:

35055 DISCLOSING INFORMATION TO THE BIRTH PARENT

35055

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(~~a~~) The agency shall disclose to a birth parent upon his/her request the name and most current address of an adoptee over the age of 21 whose relinquishment for or consent to adoption was signed on or after January 1, 1984, when the adult adoptee has given written consent to the disclosure in accordance with Civil Code Section ~~227.40~~ 229.40(a).

HANDBOOK BEGINS HERE

(1) A partial ~~quotation~~ quotation of Civil Code Section ~~227.40~~ 229.40(a) is located at Section 35053(a)(1).

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code.

Reference: Section ~~227.40~~ 229.40(a), Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35057 to read:

35057      DISCLOSING IDENTIFYING INFORMATION TO THE ADOPTEE

35057

- (a) The agency shall disclose the identity of a birth parent and his/her most current address upon the request of an adoptive parent of an adoptee under the age of 21 whose relinquishment for or consent to adoption was signed on or after January 1, 1984, upon finding by the department or agency that a medical necessity or other extraordinary circumstance justifies the disclosure, if the birth parent has given written permission for such disclosure in accordance with Civil Code Sections ~~224.73 and 227.15~~ 222.15(a), 224.73(a) and 229.40(a). (Continued)

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code.

Reference: Sections ~~224.73 and 227.15~~ 222.15(a), 224.73(a) and 229.40(a), Civil Code.

Amend Section 35059 to read:

35059 STATUTORY REQUIREMENTS FOR FURNISHING INFORMATION AND  
ACCESS TO CASE RECORDS

35059

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) The agency shall comply with Civil Code Section ~~227.20~~ 229.20 and Welfare and Institutions Code Section 10852.

HANDBOOK BEGINS HERE

(1) Civil Code Section ~~227.20~~ 229.20 permits the agency to furnish information relating to any adoption petition to the juvenile court, to any county welfare department whenever it is believed the welfare of a child will be promoted thereby.

(2) (Continued)

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code.

Reference: Section 10852, ~~of the~~ Welfare and Institutions Code; ~~and~~ Section ~~227.20~~ 229.20, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35061 to read:

35061 STATUTORY REQUIREMENTS FOR THE RELEASE OF PERSONAL PROPERTY 35061

(a) The agency shall comply with the provisions of Civil Code Section ~~220.7~~  
229.70:

HANDBOOK BEGINS HERE

- (1) Civil Code Section ~~220.7~~ 229.70 ~~reads,~~ in pertinent part, reads:  
"~~Civil Code Section 220.7~~ (a) Notwithstanding any other provision  
of law, the ~~State Department of Social Services~~ and any licensed  
adoption agency shall release any letters, photographs, or other  
items of personal property in their possession to any adoptee, birth  
parent or adoptive parent, upon written request. The material may be  
requested by any of the following parties: (Continued)
- (3) (Continued)
- (c) (Continued)
- (2) Photographs which have been deposited by the adoptee, the  
adoptive parent or parents, or the birth parent or parents,  
and for which there is a letter or other document on file  
indicating that person's consent to the release of the  
photographs...
- (e) As used in this section, 'photograph' means a photograph of the  
person depositing the photograph or the person making the  
request for the release."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and  
Institutions Code.

Reference: Section ~~220.7~~ 229.70, Civil Code.

Amend Section 35063 to read:

35063 DISCLOSURE OF INFORMATION TO A SIBLING

35063

- (a) The agency shall release to each sibling who has attained the age of 21 the name and address of his or her biological sibling provided that at least one sibling is an adoptee and both have filed a written waiver of rights to confidentiality in accordance with Civil Code Section ~~230/8~~ 229.60.

HANDBOOK BEGINS HERE

- (1) Civil Code Section ~~230/8~~ 229.60 ~~reads~~, in pertinent part, reads as follows:

"~~230/8/~~ (a) Notwithstanding any other provision of law, if an adoptee who has attained the age of 21 has filed his or her current address, a written request for contact with any biological sibling whose existence is known to him or her, and a written waiver of his or her rights with respect to the disclosure of his or her name and address to the sibling, with the ~~State Department of Social Services~~ or the adoption agency that joined in the petition for his or her adoption, and any such biological sibling of that person who has attained the age of 21 also has filed his or her current address, made such a request for contact, and filed a written waiver, if applicable, the department or the agency shall release to each of them the other's name and address. Upon inquiry, and upon proof that a person is the sibling of an adoptee who has filed a waiver pursuant to this section, the department, or agency may advise him or her that such a waiver has been filed by the adoptee. The department or an agency may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section.

- (b) An adoptee may revoke a waiver executed pursuant to this section by giving written notice to that effect to the department or agency...

- (~~d~~) The ~~State Department of Social Services~~ shall not solicit the execution of a waiver authorized by this section; however, the department shall announce the availability of the procedure authorized by this section, utilizing a means of communication appropriate to effectively inform the public."

HANDBOOK ENDS HERE

HANDBOOK BEGINS HERE

- (2) A sibling may revoke his/her waiver in the same manner as the adoptee as provided for in Civil Code Section ~~230/8(b)~~ 229.60(b).

HANDBOOK ENDS HERE

(3) (Continued)

- (4) The agency shall obtain the consent of the birth parents of the adoptee and sibling prior to disclosing the adoptee's name and address or the existence of a waiver filed by the adoptee under the circumstance designated in Civil Code Section ~~220/8/4~~ 229.60(c).

HANDBOOK BEGINS HERE

- (A) Civil Code Section ~~220/8/4~~ 229.60(c) ~~reads~~, in pertinent part, reads as follows:

"(c) ...The department may adopt regulations requiring ~~such~~ any additional means of identification from a person making a request pursuant to this section as it deems necessary, and for the obtaining of the consent of the natural parents of the adoptee and the sibling in order to make the disclosure authorized by this section in any case in which the sibling ~~is ordered to make the disclosure authorized by this section in any case in which the sibling~~ remained in the custody and control of the natural parents until he or she attained the age of 18 years."

HANDBOOK ENDS HERE

(B) (Continued)

- (5) All waivers referred to in this section shall be on a form prescribed by the ~~department~~.

- (A) Agencies shall advise adoptees and siblings who have filed waivers of confidentiality prior to the availability of the form prescribed by the ~~department~~ of the necessity to sign the waiver on the prescribed form and of the provisions of Civil Code Section ~~220/8~~ 229.60.

HANDBOOK BEGINS HERE

- (B) Agencies may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section in accordance with Civil Code Section ~~220/8/4~~ 229.60(a) as found at Section ~~70+303/81~~ 35063(a)(1).

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section ~~220/8~~ 229.60, Civil Code.

Amend Section 35065 to read:

35065 SERVICES TO BE PROVIDED FOLLOWING FINALIZATION OF AN ADOPTION 35065

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) Services provided to adoptees, birth parents, and adoptive parents following the finalization of an adoption shall include the provision of information about statutory and regulatory requirements regarding the release of information from the adoption case record.

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code.

References: Sections 10553 and 10850(d), Welfare and Institutions Code and Sections 2246, 2247, 2248, 227(b), 230, 230.1, 222.26(a), 224.70(a), 226.35(a), 229.20, 229.30, 229.40(a), 229.50, 229.70, and, 1798.24(r) and (s), and 227(d), Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35069 Reference Note to read:

35069 ELIGIBILITY FOR REIMBURSEMENT (Continued)

35069

Reference: Sections 10850(d) and 16116, Welfare and Institutions Code;  
and Sections ~~224.1~~ ~~224.2~~ ~~224.3~~ ~~227.1~~ ~~227.2~~ ~~227.3~~ ~~227.4~~ ~~227.5~~ ~~227.6~~ ~~227.7~~  
222.26(a), 224.70(a), 226.35(a), 229.20, 229.30, 229.40(a),  
229.50, 229.70, and, 1798.24(r) and (s), and ~~227.1~~ Civil  
Code.



Amend Section 35079 to read:

35079 INVESTIGATION OF PETITION

35079

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) In an independent adoption, the agency shall investigate the adoption after the petition has been filed and file a court report recommending whether to grant the petition to adopt in accordance with Civil Code Sections 224d/ 226/2/ 226/3/ 226/31/ and 226/6 220.20(m), 220.20(o), 224.40, 224.42, 224.44, and 224.50.

HANDBOOK BEGINS HERE

The relevant portions of Civil Code Sections 224d/ 226/2/ 226/3/ 226/31/ 226/6 220.20(m), 220.20(o), 224.40, 224.42, 224.44, and 224.50 read as follows:

- (1) "Civil Code Section 224d/ As used in this chapter/ place for adoption/ in the case of an adoption to which neither the state department of social services nor a licensed adoption agency is a party/ means the selection of a prospective adoptive parent or parents for a minor child by the parent or parents. The selection shall be personally made by the parent or parents of the child and may not be delegated to an agent/ The content of Civil Code Section 220.20(m) is located at Section 35000(p)(4)(A).
- (2) The content of Civil Code Section 220.20(o) is located at Section 35000(p)(6)(A).
- (23) "Civil Code Section 226/2 224.40: In all cases of adoption in which no agency licensed to place children for adoption is a party/ it shall be the duty of the state department of social services or of the licensed delegated county adoption agency to accept the consent of the natural birth parents to the adoption of the child by the petitioners and to ascertain whether the child is a proper subject for adoption and whether the proposed home is suitable for the child, prior to filing its report with the court."

(64) "Civil Code Section 2261/2 224.42:

(a) In those cases in which neither the State Department of Social Services nor an agency licensed by the State Department of Social Services is a party to or joins in the petition for adoption, it shall be the duty of the State Department of Social Services or the licensed delegated county adoption agency, or, in the case of an intercounty adoption, the private adoption agency licensed to provide intercounty adoption services, to investigate the proposed independent adoption and to submit to the court a full report of the facts disclosed by this inquiry with a recommendation regarding the granting of the petition within 180 days after the filing of the petition. In those cases in which the investigation establishes that there is a serious question concerning the suitability of the petitioners or the care provided the child or the availability of the consent to adoption, the report shall be filed immediately. The court may allow such additional time for the filing of the reports as in its discretion it may see fit, after at least five days' notice to the petitioner or petitioners and opportunity for the petitioner or petitioners to be heard with respect to the request for additional time.

(b) In those cases in which the State Department of Social Services or an agency licensed by the State Department of Social Services is a party to or joins in the petition for adoption, it shall be the duty of the State Department of Social Services or the agency, whichever is a party to or joins in the petition, to submit a full report of the facts of the case to the court. The State Department of Social Services may also submit a report in those cases in which an agency licensed by the department to place children in homes for adoption is a party or joins in the petition for adoption.

(75) "Civil Code Section 2261/2 224.44: The State Department of Social Services or a licensed delegated county adoption agency shall interview the petitioners and all persons from whom consent is required and whose addresses are known as soon as possible and, in the case of residents of California, within 45 working days, excluding legal holidays, after the filing of the adoption petition. In order to facilitate these interviews, at the same time the petition is filed, the petitioners shall file with the district office of the State Department of Social Services or with the licensed delegated county adoption agency responsible for the investigation of the adoption, a copy of the petition together with the names, addresses, and phone numbers of all parties to be interviewed, if known."

(46) "Civil Code Section ~~226/31/1~~ 224.50(a): Notwithstanding the time limits of Section ~~226/3~~ 224.44, if the person to be interviewed has been advised as provided in subdivision (b) and if there is no serious question about the suitability of the prospective adoptive family as provided in subdivision (c), the ~~State Department of Social Services~~ or a ~~licensed~~ delegated county adoption agency shall interview at the department or agency office any person willing to be interviewed from whom consent is required, within 10 working days of receiving a copy of the filed adoption petition and documentation that all of the following conditions have been met:

(A1) (Continued)

(B2) (Continued)

(C3) (Continued)

The ~~State Department of Social Services~~ or the licensed county adoption agency may take the consent of the person to the adoption at this interview or subsequently."

(57) "Civil Code Section ~~226/31/1~~ 224.50(e): No licensed private ~~full service or noncustodial~~ adoption agency/ ~~as defined in subdivisions 1A) and 1B) of Section 221/3/ respectively~~ is required to provide the advice and assessment services specified in subdivisions (b) and (c). However, if such an agency elects to provide these services, it shall provide both services. There is no requirement that prospective adoptive parents and birth parents use the same adoption agency for these service. If the agency has a policy that allows it to provide services only to members of specific groups, this policy shall be disclosed to families prior to the beginning of the assessment process."

(78) (Continued)

HANDBOOK ENDS HERE

(Bc) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section ~~226/31/1~~ 224.50(h), Civil Code.

Reference: Sections ~~224/1~~ 226/2/ 226/3/ 226/31/ and 226/3 220.20(m), 220.20(o), 224.40, 224.42, 224.44, and 224.50, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Sections 35081 and 35083 Reference Notes to read:

35081 ASSESSMENT OF PETITIONERS (Continued)

35081

Reference: Sections ~~226/2/ 226/3/ and 226/6~~ 224.40, 224.42 and 224.44,  
Civil Code.

35083 ASSESSMENT INTERVIEWS (Continued)

35083

Reference: Sections ~~226/2/ 226/3/ and 226/6~~ 224.40, 224.42, and 224.44,  
Civil Code.

Amend Section 35085 to read:

35085 INFORMATION TO PETITIONERS

35085

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

- (3) The provisions of Civil Code Section ~~226/10~~ 224.33 and Penal Code Section 280 regarding the concealment of a child.

HANDBOOK BEGINS HERE

(A) Civil Code Section ~~226/10~~ 224.33 reads as follows:

*"Civil Code Section 226/10/*

(a) During the pendency of an adoption proceeding, the child proposed to be adopted shall not be concealed within the county in which the adoption is pending; and shall not be removed from ~~such~~ that county, unless the petitioners or other interested persons first obtain permission for ~~such~~ the removal from the court after giving advance written notice of intent to obtain ~~such~~ the court's permission to the ~~State Department of Social Services~~ or to the ~~licensed~~ delegated county adoption agency responsible for the investigation of the proposed adoption. Upon proof of the giving of the notice, permission may be granted by the court if, within a period of 15 days from and after the date of the giving of the notice, no objections have been filed with the court by the ~~State Department of Social Services~~ or the ~~licensed~~ delegated county adoption agency ~~responsible for investigation of the proposed adoption~~. If the objections are filed within ~~such~~ that period by the department or the delegated county adoption agency, upon the request of the petitioners the court shall immediately set the matter for hearing and give to the objector, the petitioners, and the party or parties requesting permission for ~~such~~ the removal reasonable notice of ~~such~~ the hearing by certified mail, return receipt requested, to the address of each as shown in the records of the adoption proceeding. Upon a finding that the objections are without good cause, the court may grant the requested permission for removal of the child, subject to such limitations as appear to be in the best interest of the child.

This section does not apply in any of the following situations:

(d1) ~~Where~~ When the child is absent for a period of not more than 30 days from the country in which the adoption proceeding is pending, provided that a notice of recommendation of denial of petition has not been personally served on the petitioners or the court has not issued an order prohibiting the removal of the child from the county pending consideration of any of the following:

(1A) (Continued)

(2B) (Continued)

(3C) (Continued)

(d) *In a proceeding for the adoption of a child by his stepparent where one natural or adoptive parent retains his or her custody and control of the child.*

(c2) ~~Where~~ When the child has been returned to and remains in the custody and control of his or her natural birth parent or parents.

(d) *Where the child has been relinquished for adoption pursuant to Section 224a and written consent for the removal of the child is obtained from the State Department of Social Services or the licensed adoption agency responsible for the child.*

*In no event, nor for any period of time, shall a child who has been relinquished for adoption pursuant to Section 224a be removed from the county in which the child was placed by any person who has not petitioned to adopt the child without first obtaining the written consent of the State Department of Social Services or the licensed adoption agency responsible for the child.*

(b) A violation of this section constitutes a violation of Section 280 of the Penal Code.

(c) Neither this section nor Section 280 of the Penal Code shall be construed to render lawful any act which is unlawful under any other applicable provision of law."

(B) Penal Code Section 280 reads as follows:

"Penal Code Section 280: Every person who willfully causes or permits the removal or ~~conceals~~ a concealment of any child in violation of Civil Code Section 226/20 225.50, 224.33, or 226.40 of the Civil Code is punishable as follows: (a) By imprisonment in the county jail for not more than one year if the child is concealed within the county in which the adoption proceeding is pending or in which the child has been placed for adoption, or is removed from that county to a place within this state; or (b) By imprisonment in the state prison, or by imprisonment in the county jail for not more than one year if the child is ~~taken~~ removed from that county to a place outside ~~the~~ of this state."

HANDBOOK ENDS HERE

- (4) The agency shall inform the petitioners of the law's requirement to file a report with the court on all expenditures paid by them or on their behalf in connection with the birth, placement, and adoption of the child in accordance with Civil Code Section ~~224~~ 221.50.

HANDBOOK BEGINS HERE

(A) Civil Code Section ~~224~~ 221.50 reads as follows:

"Civil Code Section 224: The petitioners in any proceeding seeking the adoption of a ~~minor~~ child shall file with the court a full accounting report of all disbursements of anything of value made or agreed to be made by them or on their behalf in connection with the birth of the child, the placement of the child with the petitioners, any medical or hospital care received by the ~~natural~~ birth mother of the child or by the child in connection with ~~its~~ the birth of the child, any other expenses of either ~~natural~~ birth parent of the child, or the adoption. The accounting report shall be made under penalty of perjury and shall be submitted to the court on or before the date set by the court for the hearing on the adoption petition, unless an extension of time is granted by the courts.

The accounting report shall be itemized in detail and shall show the services relating to the adoption or to the placement of the child for adoption which were received by the petitioners, by either ~~natural~~ birth parent of the child, by the child, or by any other person for whom payment was made by or on behalf of the petitioners. The report shall also include the dates of each payment, the names and addresses of each attorney, doctor, hospital, licensed adoption agency, or other person or organization who received any funds of the petitioners in connection with the adoption or the placement of the child with them, or participated in any way in the handling or ~~such~~ those funds, either directly or indirectly.

The provisions of this section shall not apply to an adoption by a stepparent ~~where~~ when one ~~natural~~ birth or adoptive parent retains his or her custody and control of the child."

HANDBOOK ENDS HERE

- (5) The agency shall inform the petitioners of the provisions of Civil Code Section ~~224~~ 224.73.

HANDBOOK BEGINS HERE

- (A) The content of Civil Code Section ~~224~~ 224.73 is located at Section 35121(a) (3) (B).

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10850(d) Welfare and Institutions Code; and Section 10439, Health and Safety Code.

Reference: Sections 1798.24(r) and (s), ~~227/ 230/6/ 230/7/ 230/8/ 230/10/ 224a/ 224r/ and 224~~ 221.50, 224.33, 224.73, 229.50, 229.60, and 229.70, Civil Code; and 25 U.S.C. 1901 et seq.



Amend Section 35087 to read:

35087 DOCUMENTATION TO FACILITATE ASSESSMENT

35087

(a) (Continued)

(7) (Continued)

HANDBOOK BEGINS HERE

- (A) Civil Code Section ~~226/33~~ 224.49 ~~reads,~~ in ~~relevant~~ pertinent part, reads as follows:

~~"The State Department of Social Services, a local public or delegated county adoption agency, or a licensed private adoption agency shall require all persons filing an application of a petition to adopt a child, to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation. Those agencies~~ The department or delegated county adoption agency may also secure the full criminal record, if any, of those persons..."

HANDBOOK ENDS HERE

(B) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code; ~~and Section 226/33/ Civil Code.~~

Reference: Sections 226/2/ 226/3/ 226/33 and 226/6 224.40, 224.42, 224.44, and 224.49, Civil Code.

Amend Section 35089 to read:

35089 OBTAINING IDENTIFYING INFORMATION AND EVALUATING  
PETITIONERS DURING ASSESSMENT

35089

(a) (Continued)

(3) (Continued)

(A) (Continued)

HANDBOOK BEGINS HERE

1. Civil Code Section ~~226.33~~ 224.49 ~~reads,~~ in ~~relevant~~  
pertinent part, reads as follows:

"...The record, if any, shall be taken into consideration when evaluating a prospective adoptive parent, and an assessment of the effects of his or her criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court..."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code/ ~~and Section 226.33/ Civil Code.~~

Reference: Sections ~~226.2/ 226.3/ 226.33 and 226.6~~ 224.40, 224.42, 224.44, and 224.49, Civil Code; and Section 11105.2, Penal Code.

Amend Section 35091 Reference Note to read:

35091 COMPLETION OF ASSESSMENT AND REPORT TO COURT (Continued)

35091

Reference: Section ~~224.42~~ 224.42, Civil Code.

Amend Section 35093 to read:

35093 ASSESSMENT OF CHILD

35093

(a) (Continued)

(3) (Continued)

HANDBOOK BEGINS HERE

(A) The agency should ensure that the report on the child's health contains sufficient information to enable the agency to complete the report required by Civil Code Section ~~224.61~~ 224.70(a).

(B) Civil Code Section 224.70(a) reads as follows:

"A written medical report on the child's medical background, and if available, so far as ascertainable, the medical background of the child's biological parents, shall be made by the department or delegated county adoption agency as part of the study required by Section 224.40. The report on the child's background shall contain all known diagnostic information, including current medical reports on the child, psychological evaluations, and scholastic information, as well as all known information regarding the child's developmental history and family life. The report shall be submitted to the prospective adoptive parents who shall acknowledge its receipt in writing."

HANDBOOK ENDS HERE

(4) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~226.21, 226.61, 224.61, and 276~~ 224.40, 224.42, and 224.70, Civil Code.

Amend Section 35095 to read:

35095 GENERAL PREREQUISITES TO CONSENT

35095

(a) (Continued)

(6) Determine that the birth parent voluntarily chose to place the child with the petitioners for the purpose of adoption based upon the definition of "place for adoption" and specific "personal knowledge" as defined in Civil Code Sections 224d 220.20(m) and 220.20(o).

(A) The Agency representative shall document in the court report whether the birth parent voluntarily selected the petitioners and placed the child pursuant to Civil Code Section 224d 224.20.

HANDBOOK BEGINS HERE

1. Civil Code Section 224d in relevant part states:

"/place for adoption/" means the selection of a prospective adoptive parent or parents for a minor child by the parent or parents. The selection shall be personally made by the parent or parents of the child and may not be delegated to an agent. The act of selection by the parent or parents shall be based upon his, her, or their personal knowledge of the prospective adoptive parent or parents. "Personal knowledge" includes, but is not limited to, substantially correct knowledge of all of the following regarding the prospective adoptive parents: their full legal name, age, religion, race or ethnicity, employment, whether other persons, whether children and adults, reside in their home, any health conditions curtailing their normal daily activities or reducing their normal life expectancy, and their general area of residence, or upon request, their address." The content of Civil Code Sections 220.20(m) and 220.20(o) are located at 35000(p)(4)(A) and 35000(p)(6)(A) respectively.

2. Civil Code Section 224.20 reads as follows:

"The selection of prospective adoptive parent or parents shall be personally made by the birth parent or parents of the child and may not be delegated to an agent. The act of selection by the birth parent or parents shall be based upon his, her, or their personal knowledge of the prospective adoptive parent or parents."

HANDBOOK ENDS HERE

(B) (Continued)

(C) (Continued)

- (D) The agency shall immediately file a preliminary court report if the adoptive placement is not made in accordance with Civil Code Sections 224p of Civil Code Section 224d 220.20(m), 220.20(o), 221.40 or 224.20.

HANDBOOK BEGINS HERE

1. Civil Code Section 224p 221.40 reads in relevant part as follows:

"(a) Any person who, or organization that, without holding a valid and unrevoked license of permit to place children for adoption issued by the State Department of Social Services, advertises in any periodical or newspaper, by radio, or other public medium, that he, she, or it will place children for adoption, or accept, supply, provide or obtain children for adoption, or that causes any advertisement to be published in or by any public medium soliciting, requesting, or asking for any children for adoption is guilty of a misdemeanor."

"(b) Any person other than a parent who, or any organization, association, or corporation that, without holding a valid and unrevoked license of permit to place children for adoption issued by the State Department of Social Services, places any child for adoption is guilty of a misdemeanor."

2. The content of Civil Code Sections 220.20(m), 220.20(o), and 224.20 are located at Section 35000(p)(4)(A), 35000(p)(6)(A), and 35095(a)(6)(A)2, respectively.

HANDBOOK ENDS HERE

(7) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 226/21/224.50(h), Civil Code.

Reference: Sections 224p/ 224d/ 226/1/ 226/2/ 226/3/ 226/31/ and 226/6 220.20(m), 220.20(o), 221.40, 224.20, 224.40, 224.42, 224.44, 224.50, and 224.62, Civil Code.

Amend Section 35095.1 to read:

35095.1 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD  
IS NOT SUBJECT TO THE ICWA (Continued)

35095.1

(b) (Continued)

(1) (Continued)

- (B) The parent has chosen the petitioners to be adoptive parents based on the parent's personal knowledge of the items specified in Civil Code Section ~~224d~~ 220.20(m).

HANDBOOK BEGINS HERE

1. The relevant content of Civil Code Section ~~224d~~ 220.20(m) is located at Section ~~35095.1(d)(1)(A)~~ 35000(p)(4)(A).

HANDBOOK ENDS HERE

(C) (Continued)

(O) (Continued)

2. The adult adoptee, any living adoptive parent and birth parent all sign waivers of his/her right to confidentiality of the adoption record for the purpose of arranging contact among these persons in accordance with Civil Code Section ~~220.5~~ 229.50, or

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~220.5~~ 229.50 is located at Section 35049(~~ab~~) (4) (B).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identify of his/her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227(b)~~ 229.40(a), or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227(b)~~ 229.40(a), or

- ## HANDBOOK BEGINS HERE

- HANDBOOK ENDS HERE

Reference: Sections 197, 221/ 222/ 224/ 224d/ 224d/ 224s/ 224t/ 224v/ 225a/ 226a/ 226b/ 226/1/ 226/5/ 227/ 227aaa/ 227b/ 228/ 229/ 230/6/ 230/8 220.20(e), 220.20(m), 220.20(o), 221.10, 221.12, 221.20, 221.74, 221.76, 224.10, 224.36, 224.44, 224.61, 224.62, 224.64, 224.70, 224.73, 228.10, 229.20, 229.30, 229.40, 229.50, 229.60, 1798.24(r), 1798.24(s), 7001, 7002, 7003, 7004, 7006, 7017, and 7017.2, Civil Code; Section 621, Evidence Code; and Section 6408.5, Probate Code.



Amend Section 35095.2 to read:

35095.2 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD  
IS SUBJECT TO THE ICWA (Continued)

35095.2

(b) (Continued)

(1) (Continued)

- (B) The parent has chosen the petitioners to be adoptive parents based on the parent's personal knowledge of the items specified in Civil Code Section ~~224d~~ 220.20(m).

HANDBOOK BEGINS HERE

1. The relevant content of Civil Code Section ~~224d~~ 220.20(m) is located at Section ~~33093(a)(4)(A)~~ 35000(p)(4)(A).

HANDBOOK ENDS HERE

(C) (Continued)

(W) (Continued)

2. The adult adoptee, any living adoptive parent and birth parent all sign waivers of his/her right to confidentiality of the adoption record for the purpose of arranging contact among these persons in accordance with Civil Code Section ~~23018~~ 229.50, or

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~23018~~ 229.50 is located at Section 35049(~~b~~) (4) (B).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227(b)~~ 229.40(a), or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227(b)~~ 229.40(a), or

5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Civil Code Section ~~227~~(b) 229.40(a).

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~227~~(b) 229.40(a) is located at Section 35053(~~a~~b)(1).

HANDBOOK ENDS HERE

(X) (Continued)

Authority Cited: ~~Sections 227 and 230(b) Civil Code and~~ Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 197, ~~221/ 222/ 224/ 224a/ 224b/ 224c/ 224d/ 224e/ 224f/ 224g/ 225a/ 226a/ 226b/ 226c/ 226d/ 226e/ 226f/ 226g/ 226h/ 226i/ 226j/ 226k/ 226l/ 226m/ 226n/ 226o/ 226p/ 226q/ 226r/ 226s/ 226t/ 226u/ 226v/ 226w/ 226x/ 226y/ 226z/ 227/ 227a/ 227b/ 227c/ 227d/ 227e/ 227f/ 227g/ 227h/ 227i/ 227j/ 227k/ 227l/ 227m/ 227n/ 227o/ 227p/ 227q/ 227r/ 227s/ 227t/ 227u/ 227v/ 227w/ 227x/ 227y/ 227z/ 228/ 229/ 230/ 230a/ 230b/ 230c/ 230d/ 230e/ 230f/ 230g/ 230h/ 230i/ 230j/ 230k/ 230l/ 230m/ 230n/ 230o/ 230p/ 230q/ 230r/ 230s/ 230t/ 230u/ 230v/ 230w/ 230x/ 230y/ 230z/ 231/ 232/ 233/ 234/ 235/ 236/ 237/ 238/ 239/ 240/ 241/ 242/ 243/ 244/ 245/ 246/ 247/ 248/ 249/ 250/ 251/ 252/ 253/ 254/ 255/ 256/ 257/ 258/ 259/ 260/ 261/ 262/ 263/ 264/ 265/ 266/ 267/ 268/ 269/ 270/ 271/ 272/ 273/ 274/ 275/ 276/ 277/ 278/ 279/ 280/ 281/ 282/ 283/ 284/ 285/ 286/ 287/ 288/ 289/ 290/ 291/ 292/ 293/ 294/ 295/ 296/ 297/ 298/ 299/ 300/ 301/ 302/ 303/ 304/ 305/ 306/ 307/ 308/ 309/ 310/ 311/ 312/ 313/ 314/ 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Amend Section 35097 Reference Note to read:

35097 DETERMINATION OF PARENT'S ABILITY TO UNDERSTAND CONTENT,  
NATURE AND EFFECT OF CONSENT (Continued)

35097

Reference: Sections ~~226/2~~ 224.40 and ~~226/6~~ 224.42, Civil Code.

Amend Section 35099 to read:

35099 ACCEPTING MOTHER'S CONSENT TO ADOPTION OF NEWBORN

35099

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~226.12~~ 224.40 and ~~226.11~~ 224.62, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Sections 35101, 35103, 35105 and 35107 Reference Notes to read:

35101    ACCEPTING CONSENT FROM PARENT IN PSYCHIATRIC TREATMENT                      35101  
          (Continued)

Reference:                Sections ~~226/1~~ 224.40 and ~~226/2~~ 224.62, Civil Code.

35103    ACCEPTING CONSENT FROM PARENT UNDER CONSERVATORSHIP                      35103  
          (Continued)

Reference:                Sections ~~226/1~~ 224.40 and ~~226/2~~ 224.62, Civil Code.

35105    ACCEPTING CONSENT FROM PARENT IN OR ON LEAVE FROM A                      35105  
          PSYCHIATRIC FACILITY (Continued)

Reference:                Sections ~~226/1~~ 224.40 and ~~226/2~~ 224.62, Civil Code.

35107    PROCEDURE WHEN AGENCY IS UNABLE TO ACCEPT CONSENT                      35107  
          (Continued)

Reference:                Sections ~~226/1~~ 224.40 and ~~226/2~~ 224.62, Civil Code.

Amend Section 35109 to read:

35109 PROCEDURES FOR ACCEPTING CONSENTS SIGNED IN CALIFORNIA

35109

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 197, 224, 226.1, and 228.2 221.20, 224.40, and 224.62, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35111 to read:

35111 PROCEDURES FOR ACCEPTING OUT-OF-STATE CONSENTS NOT  
INITIATED BY THE AGENCY

35111

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

- (1) The consent is notarized in accordance with Civil Code Section ~~226.1~~ 224.62(c).

HANDBOOK BEGINS HERE

(A) Civil Code Section ~~226.1~~ 224.62(c) reads ~~in part~~:

"Civil Code Section 226.1/// If the father or mother birth parent of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary or other person authorized to perform notarial acts and in that case the consent of the department or of a delegated county adoption agency will also be necessary."

- (2) The consent is properly completed on a form which contains the same content as the form prescribed by the Department in accordance with Civil Code Section ~~226.1~~ 224.62.
- (3) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section ~~226.1~~ 224.62, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35113 to read:

35113      PROCEDURES FOR ACCEPTING OUT-OF-STATE CONSENTS WHICH ARE      35113  
                 INITIATED BY THE AGENCY

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(a) (Continued)

Authority Cited:    Sections 10553 and 10554, Welfare and Institutions Code.

Reference:            Section 10553(e), Welfare and Institutions Code; ~~and~~  
                         Sections ~~226/1~~ 224.40 and ~~226/2~~ 224.62, Civil Code; and 25  
                         U.S.C. 1901 et seq.



Amend Section 35115 Reference Note to read:

35115 COPY OF SIGNED CONSENT TO PARENT AND/OR ATTORNEY OF RECORD 35115  
(Continued)

Reference: Section 10553(e), Welfare and Institutions Code; and  
Sections ~~226/1~~ 224.40 and ~~226/1~~ 224.62, Civil Code.

Amend Section 35117 to read:

35117      INFORMATION TO THE CONSENTING PARENT REGARDING THE STATUS      35117  
            OF THE CHILD'S ADOPTION

- (a) At the time of signing the consent to adoption, the agency shall advise the consenting parent, verbally and in writing, of the provisions of Civil Code Section ~~2240~~ 224.61.

HANDBOOK BEGINS HERE

- (1) Civil Code Section ~~2240~~ 224.61 reads as follows:

"~~Civil Code Section 2240~~ On or before the time a ~~relinquishment of~~ a consent to adoption is signed, the birth parent signing the ~~relinquishment of~~ consent shall be advised verbally and in writing by the department or the ~~licensed~~ delegated county adoption agency, that he or she may, at any time in the future, request from the ~~agency of~~ the department or the delegated county adoption agency, all known information about the status of the child's adoption, except for personal, identifying information about the adoptive family. The birth parent shall be advised that this information includes, but is not limited to, all of the following: (1a) whether the child has been placed for adoption, (2b) the approximate date that an adoption ~~has~~ was completed, and (3c) if the adoption was not completed or was vacated, for any reason, whether adoptive placement of the child is again being considered."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section ~~2240~~ 224.61, Civil Code.

Amend Section 35119 to read:

35119      PRESENTATION OF REQUIRED STATEMENT TO CONSENTING PARENT      35119

- (a) At the time of signing the consent to adoption, the agency shall present a statement to the consenting parent as required by Civil Code Section ~~224~~ 224.73 and obtain a response from and the signature of the parent.

HANDBOOK BEGINS HERE

(1) (Continued)

- (2) The content of Civil Code Section ~~224~~ 224.73 is set forth at Section 35121(a) (3) ~~(A)~~.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section ~~224~~ 224.73, Civil Code.

Amend Section 35121 to read:

35121 ADDITIONAL REQUIREMENTS FOR ACCEPTING CONSENT

35121

(a) (Continued)

(3) (Continued)

HANDBOOK BEGINS HERE

(A) (Continued)

(B) Civil Code Section ~~224~~ 224.73 reads as follows:

~~"Civil Code Section 224"~~

(a) The ~~State~~ Department of Social Services shall adopt a statement to be presented to the birth parents/// at the time the ~~relinquishment~~ of consent to adoption is signed and to prospective adoptive parents at the time of the home study which shall, in a clear and concise manner, in words calculated to assure the confidence of the birth parents in the integrity of the adoption process, communicate to the birth parent of a child ~~that~~ who is the subject of an adoption petition all of the following facts:

- (1) It is in the best interest of the child that the birth parents keep the department ~~of the licensed adoption agency to whom the child was relinquished for adoption~~ informed of any health problems that the parent develops that could affect the child.
- (2) It is extremely important that the birth parent keep his or her address current with the department ~~of the licensed adoption agency to whom the child was relinquished for adoption~~ in order to permit a response to any inquiries to the Department or licensed adoption agency concerning medical or social history.
- (3) Section ~~227~~ 229.40 of the Civil Code authorizes a person who has been adopted and who attains the age of 21 to petition the ~~State Department of Social Services of the licensed adoption agency that joined in the petition for his or her adoption~~ to obtain the name and address of his or her birth parents. ~~Consequently,~~ it is of the utmost importance that the birth parent indicate whether or not he or she wishes his or her name and address to be so disclosed by checking the appropriate box provided on the form.

(§4) The birth parent may change his or her decision as to whether or not he or she wishes his or her name and address disclosed, at any time, by sending a notarized letter to that effect, by ~~registered~~ certified mail, return receipt requested, to the ~~State Department of Social Services or to the licensed adoption agency that joined in the petition for adoption.~~

(45) The ~~relinquishment~~ of consent will be filed in the office of the county clerk of the county in which the adoption takes place. ~~and that if~~ The file is not open to inspection by any persons other than the parties to the adoption proceedings, their attorneys, and the ~~State Department of Social Services,~~ except upon order of the judge of the superior court.

HANDBOOK BEGINS HERE

(b) The ~~State Department of Social Services~~ shall adopt a form to be signed by the birth parents at the time the ~~relinquishment~~ of consent to adoption is signed which shall provide as follows:

'Section ~~227~~ 229.40 of the Civil Code authorizes a person who has been adopted and who attains the age of 21 to petition the State Department of Social Services or the licensed adoption agency that joined in the petition for his or her adoption to obtain the name and address of his or her birth parents. Indicate by checking one of the boxes below whether or not you wish your name and address to be disclosed:

☐ YES

☐ NO

☐ UNCERTAIN AT THIS TIME: WILL NOTIFY AGENCY AT LATER DATE'"

HANDBOOK ENDS HERE

(4) (Continued)

(A) If the agency is unable to locate the birth parent, the agency shall accept the commitment of the child under Civil Code Section ~~226c~~ 224.37.

HANDBOOK BEGINS HERE

(B) The requirements of Civil Code Section ~~226c~~ 224.37 are found at Section 35125(~~4b~~) (3) (A).

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 2240, 2241, and 227 224.37, 224.61, and 224.73,  
Civil Code and Sections 30830 through 30839, Title 22/  
California Administrative Code.

Amend Section 35123 to read:

35123    CONTENT OF COURT REPORT AND REQUIREMENT FOR FILING  
          (Continued)

35123

(a) (Continued)

(2) (Continued)

(A) (Continued)

HANDBOOK BEGINS HERE

(D) Civil Code Section ~~226/6~~ 224.42 ~~reads,~~ in ~~relevant~~ pertinent part, reads as follows:

~~Civil Code Section 226/6~~ "...In those cases in which the investigation establishes that there is a serious question concerning the suitability of the petitioners or the care provided the child or the availability of the consent to adoption, the report shall be filed immediately..."

HANDBOOK ENDS HERE

(3) The agency representative shall immediately file a preliminary court report when there is a serious question whether the placement of the child for purposes of adoption was made in accordance with provisions of Civil Code Section ~~224d~~ 224.20.

HANDBOOK BEGINS HERE

(A) ~~Civil Code Section 224d/~~ As used in this chapter, "place for adoption" in the case of an adoption to which neither the state department of social services nor a licensed adoption agency is a party, means the selection of a prospective adoptive parent or parents for a minor child by the parent or parents. The selection shall be personally made by the parent or parents of the child and may not be delegated to an agent. The content of Civil Code Section 224.20 is located at Section 35095(a)(6)(A)2.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code/ ~~and~~ Section 226/33/ Civil Code.

Reference: Sections ~~224d/~~ 226/33 224.20, 224.42, and ~~226/6~~ 224.49, Civil Code.

Amend Section 35125 to read:

35125 PLANNING FOR THE CHILD WHEN CONSENT IS WITHDRAWN, THE  
PETITION IS WITHDRAWN OR DISMISSED, OR THE AGENCY  
RECOMMENDS REMOVAL OF THE CHILD

35125

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(a) The agency shall be responsible for reporting to the court and recommending a suitable plan for the care and custody of the child in accordance with Civil Code Section ~~226a~~ 224.64 when:

(1) (Continued)

HANDBOOK BEGINS HERE

(A) Civil Code Section ~~226a~~ 224.64 ~~reads~~, in pertinent part, reads as follows:

"Civil Code Section 226a1

(a) Once given, consent of the ~~natural~~ birth parents to the adoption of the child by the person or persons to whose adoption of the child the consent was given, may not be withdrawn except with court approval. Request for ~~such~~ that approval may be made by motion, or a ~~natural~~ birth parent seeking to withdraw ~~such~~ his or her consent may file with the clerk of the superior court where the petition is pending, a petition for approval of withdrawal thereof, without the necessity of payment of any fee for the filing of ~~such~~ the petition. The petition or motion shall be in writing, and shall set forth the reasons for withdrawal of consent, but otherwise may be in any form.

(b) The clerk of the court shall set the matter for hearing, and shall give notice thereof to the ~~state~~ Department of Social Services, to the persons to whose adoption of the child the consent was given, and to the ~~natural~~ birth parent or parents by certified mail, return receipt requested, to the address of each as shown in the proceeding, at least 10 days before the time set for hearing.



- (c) ~~...The~~ agency shall, prior to the hearing of the motion or petition for withdrawal, file a full report with the court and shall appear at the hearing to represent the interests of the child.
- (d) ...If the court finds that withdrawal of the consent to adoption is reasonable in view of all the circumstances, and that withdrawal of the consent will be for the best interests of the child, the court shall approve the withdrawal of the consent; otherwise the court shall withhold its approval. ...If the court approves the withdrawal of consent, the adoption proceeding shall be dismissed.
- (e) Any order of the court granting or withholding approval of a withdrawal of a consent to an adoption may be appealed ~~from~~ in the same manner as an order of the juvenile court declaring any person to be a ward of the juvenile court."

HANDBOOK ENDS HERE

- (2) The petitioners' desire to withdraw or to secure dismissal of the adoption petition in accordance with Civil Code Section ~~2266~~ 224.36.

HANDBOOK BEGINS HERE

- (A) Civil Code Section ~~2266~~ 224.36 reads:

~~"Civil Code Section 2266/~~

- (a) Whenever/ ~~in any adoption proceeding/~~ the petitioners ~~desire move~~ to withdraw the petition for the adoption or to dismiss the proceeding, the clerk of the court in which the proceeding is pending shall immediately notify the ~~State Department of Social Services/ at Sacramento of such that~~ action. The ~~State Department of Social Services or the licensed delegated county adoption agency/ or/ in the case of an intercountry adoption/ the private adoption agency licensed to provide intercountry adoption services/~~ shall file a full report with the court recommending a suitable plan for the child in every such case ~~where in which~~ the petitioners ~~desire move~~ to withdraw the petition for the adoption or where the department/ or the delegated county adoption agency/ or licensed private adoption agency recommends that the petition for adoption be denied and shall appear before the court for the purpose of representing the child.
- (b) Notwithstanding ~~such~~ withdrawal ~~of~~ of dismissal by the petitioners, the court may retain jurisdiction over the child for the purpose of making ~~such~~ any order or orders for ~~his~~ his or her custody as the court may deem to be in the best interests of the child.

(c) In any adoption proceeding in which whenever the birth parent has refused to give the required consent or in which the reason or cause for the withdrawal of the petition, or dismissal of the proceeding is the withdrawal of the consent of the natural birth parent or parents, the court shall order at the hearing the child restored to the care and custody of the natural birth parent or parents."

HANDBOOK ENDS HERE

(3) (Continued)

HANDBOOK BEGINS HERE

(A) Civil Code Section ~~226~~ 224.37 ~~reads~~, in pertinent part, reads as follows:

"Civil Code Section 226: At the hearing, if the court sustains the recommendation of the department or delegated county adoption agency that the child be removed from the home of petitioners, because the department or delegated county adoption agency has recommended denial or the petitioners desire move to withdraw the petition or the court dismisses the petition and does not return him the child to his or her parents, the court shall commit the child to the care of the state department of social services, the licensed or the delegated county adoption agency, whichever agency made the recommendation, for that the department or delegated county adoption agency to arrange adoptive placement or to make a suitable plan..."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~226(a)~~ 224.36, 224.37 and ~~(c)~~ 224.64, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35126 to read:

35126 DENIAL OR DISMISSAL OF ADOPTION PETITION

35126

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

(3) (Continued)

HANDBOOK BEGINS HERE

(E) Welfare and Institutions Code Section 16106 reads as follows:

~~"Welfare and Institutions Code Section 16106/~~ The state shall reimburse each county for the costs of care of any child placed under the custody of a county department pursuant to Section ~~226~~ 224.37 or 226.66 of the Civil Code. County claims for reimbursement of expenses incurred pursuant to Section ~~226~~ 224.37 or 226.66 of the Civil Code shall be filed with the department at the time and in the manner specified by the department, and the claims shall be subject to audit by the department. Whenever a claim covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim without the necessity of applying adjustment to the appropriation for the prior fiscal year."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~226a/ 226b/ and 226c~~ 224.36, 224.37, and 224.64, Civil Code; Section 1500, Health and Safety Code; ~~and~~ Section 11166, Penal Code; and 25 U.S.C. 1901 et seq.

Amend Section 35127.1 to read:

35127.1 ADVICE TO BIRTH PARENTS - INDEPENDENT ADOPTION  
PREPLACEMENT PROGRAM

35127.1

- (a) The agency shall meet with the birth parent wishing to participate in the Independent Adoption Preplacement Program prior to the placement of the child for adoption and give advice, collect information, and offer counseling as required by Civil Code Section ~~226.51(b)~~ 224.50(b).

HANDBOOK BEGINS HERE

- (1) Civil Code Section ~~226.51(b)~~ 224.50(b), in pertinent part, states:

"...The advice shall include a balanced presentation of the alternatives to adoption, the right to obtain additional counseling, the right to retain separate legal counsel, the meaning of the consent to adoption, the right to future information about the status of the adoption, the needs of the child and the prospective adoptive parents for complete information on the background of the child, the content of the assessment of the prospective adoptive family, and other information determined necessary by the department. The person giving the advice shall also collect information on the background of the child from the person being advised.

Each person advised pursuant to this subdivision shall be offered at least three separate counseling sessions, to be held on different days, except that this requirement does not apply to birth fathers from whom consent for the adoption is not required. Each counseling session shall be no less than 50 minutes duration. The counseling may be provided by a representative of the department or a licensed adoptions agency or by persons licensed to provide psychotherapy or counseling selected by the person. The counseling costs shall be paid by the prospective adoptive parents at the request of the birth parents. If counseling is requested prior to the placement of the child for adoption, it shall be initiated prior to the placement..."

HANDBOOK ENDS HERE

(b) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section ~~226.51(h)~~ 224.50(h), Civil Code.

Reference: Sections ~~226.51~~ 224.50 and 7017, Civil Code.

Amend Section 35127.2 to read:

35127.2 ASSESSMENT OF POTENTIAL ADOPTIVE PARENTS -  
INDEPENDENT ADOPTION PREPLACEMENT PROGRAM

35127.2

- (a) The agency shall assess potential adoptive parents wishing to participate in the Independent Adoption Preplacement Program as required by Civil Code Section ~~226/51/47~~ 224.50(c).

HANDBOOK BEGINS HERE

- (1) Civil Code Section ~~226/51/47~~ 224.50(c), in pertinent part, states:

"...The assessment shall be completed or updated within 12 months before the placement of the child for adoption. The assessment shall include consideration of those factors required by the department in a study to determine whether the prospective adoptive family and its home ~~is~~ are suitable for a child, ~~in an independent adoption~~ except those factors regarding the adjustment of the child in the home. In addition to describing fully information collected in the assessment and the conclusions of the assessment, the report of the assessment shall specify the characteristics of a child which the family would adopt including, but not limited to, age, sex, ethnicity, race, and special needs. The prospective adoptive parents and any person being advised pursuant to subdivision (b) shall be provided with a written summary of the report of the assessment..."

HANDBOOK ENDS HERE

- (b) (Continued)

- (g) The agency shall meet the requirement of Civil Code Section ~~226/51/47~~ 224.50(c) regarding assessments in which there is a serious question about the suitability of the family.

- (g) (1) and (2) (Reserved)

HANDBOOK BEGINS HERE

- (1) Civil Code Section ~~226/51/47~~ 224.50(c) in pertinent part, states:

"...If the assessment results in a determination that there is a serious question as to the suitability of the prospective adoptive family, or if the assessment is discontinued prior to completion because of such a question, the department or the adoption agency shall provide a report of the complete or incomplete assessment to the department..."

- (2) (Continued)

HANDBOOK ENDS HERE

(3) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and  
Section ~~226/51/17~~ 224.50(h), Civil Code.

Reference: Section ~~226/51~~ 224.50, Civil Code.

Amend Sections 35129, 35131 and 35133 Reference Notes to read:

35129    NUMBER OF INTERVIEWS FOR PARENTS CONSIDERING RELINQUISHMENT    35129  
         (Continued)

Reference:            Section ~~224~~ 222.10, Civil Code.

35131    PRIOR TO ACCEPTING RELINQUISHMENT FOR CHILDREN UNDER    35131  
         THE ICWA (Continued)

Reference:            Section ~~224~~ 222.10, Civil Code; and 25 U.S.C. Sections  
                         1901, 1902, 1903, 1911, 1912, 1913, 1914, 1915, 1916, and  
                         1917.

35133    COUNSELING PRIOR TO ACCEPTING THE RELINQUISHMENT (Continued)    35133

Reference:            Section ~~224~~ 222.10, Civil Code.

Amend Section 35134 to read:

35134 CATEGORY OF PARENT AND COUNSELING SERVICES

35134

(a) (Continued)

(3) (Continued)

HANDBOOK BEGINS HERE

(A) Reunification services are those services described at Manual of Policies and Procedures, Division 30, Section 30-300.

HANDBOOK ENDS HERE

(4) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~224a/~~ ~~224a/~~ ~~224b/~~ ~~224c/~~ ~~224d~~ 222.10, 222.15, 222.20, 222.26, 229.30, 1798.24(r), (s), and 7017, Civil Code; Section 10850(b), Welfare and Institutions Code; and Section 10439, Health and Safety Code.



Amend Sections 35135, 35137, 35139, 35141, 35143 and 35145 Reference Notes to read:

35135 AGENCY DETERMINATIONS PRIOR TO ACCEPTING A RELINQUISHMENT 35135  
(Continued)

Reference: Section ~~224n~~ 222.10, Civil Code.

35137 ACCEPTING A RELINQUISHMENT AFTER EVALUATION (Continued) 35137

Reference: Section ~~224n~~ 222.10, Civil Code.

35139 ACCEPTING THE RELINQUISHMENT OF A NEWBORN NOT SUBJECT 35139  
TO THE ICWA (Continued)

Reference: Section ~~224n~~ 222.10, Civil Code.

35141 FILING OPTIONS FOR THE RELINQUISHING PARENT (Continued) 35141

Reference: Section ~~224n~~ 222.10, Civil Code.

35143 RELINQUISHMENT FORM PROVIDED BY THE DEPARTMENT (Continued) 35143

Reference: Section ~~224n~~ 222.10, Civil Code.

35145 IDENTIFYING INFORMATION ON THE RELINQUISHMENT DOCUMENT 35145  
(Continued)

Reference: Section ~~224n~~ 222.10, Civil Code.

Amend Section 35147 to read:

35147 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD  
IS NOT SUBJECT TO THE ICWA (Continued)

35147

(b) (Continued)

(1) (Continued)

(R) (Continued)

2. The adult adoptee, any living adoptive parent and birth parent all sign waivers of his/her right to confidentiality of the adoption record for the purpose of arranging contact among these persons in accordance with Civil Code Section ~~220/§~~ 229.50, or

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~220/§~~ 229.50 is located at Section 35049(~~4b~~) (4) (B).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/§~~ 229.40(a), or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/§~~ 229.40(a), or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Civil Code Section ~~227/§~~ 229.40(a).

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~227/§~~ 229.40(a) is located at Section 35053(~~4b~~) (1).

HANDBOOK ENDS HERE

(S) (Continued)

(2) (Continued)

(T) (Continued)

2. The adult adoptee, any living adoptive parent and birth parent all sign waivers of his/her right to confidentiality of the adoption record for the purpose of arranging contact among the persons in accordance with Civil Code Section ~~220/§~~ 229.50, or

(i) The content of Civil Code Section ~~220/§~~ 229.50 is located at Section 35049(~~a~~b) (4) (B).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/§~~ 229.40(a), or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/§~~ 229.40(a), or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Civil Code Section ~~227/§~~ 229.40(a).

HANDBOOK BEGINS HERE

(i) The content of Civil Code Section ~~227/§~~ 229.40(a) is located at Section 35053(~~a~~b) (1).

HANDBOOK ENDS HERE

(U) (Continued)

(3) (Continued)

(V) (Continued)

2. The adult adoptee, any living adoptive parent and birth parent all sign waivers of his/her right to confidentiality of the adoption record for the purpose of arranging contact among the persons in accordance with Civil Code Section ~~220/6~~ 229.50, or

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~220/6~~ 229.50 is located at Section 35049(~~a~~b) (4) (B).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/6Y~~ 229.40(a), or
4. The birth parent of an adopted person who has reached the age of 21 has requested the name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/6Y~~ 229.40(a), or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Civil Code Section ~~227/6Y~~ 229.40(a).

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~227/6Y~~ 229.40(a), is located at Section 35053(~~a~~b) (1).

HANDBOOK ENDS HERE

(W) (Continued)

(4) (Continued)

(U) (Continued)

2. The adult adoptee, any living adoptive parent and birth parent all sign waivers of his/her right to confidentiality of the adoption record for the purpose of arranging contact among the persons in accordance with Civil Code Section ~~220/6~~ 229.50, or

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~220/6~~ 229.50 is located at Section 35049(~~a~~b) (4) (B).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/6~~ 229.40(a), or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/6~~ 229.40(a), or
5. The adoptive parents of an adopted person under 21 years of age has requested the identity of the birth parent and his/her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Civil Code Section ~~227/6~~ 229.40(a).

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~227/6~~ 229.40(a), is located at Section 35053(~~a~~b) (1).

HANDBOOK ENDS HERE

(V) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~224a/ 224n/ 224o/ 224p/ 224v/ 227aaa/ 227d/ 228/ 229~~ 221.40, 221.74, 221.76, 222.10, 222.13, 222.15, 222.20, 222.26, 229.20, 229.30, 229.40(c), and 7017, Civil Code; Sections 6408 and 6408.5, Probate Code; and Section 16507.5, Welfare and Institutions Code.

Amend Section 35148 to read:

35148      STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE CHILD IS      35148  
             SUBJECT TO THE ICWA (Continued)

(b) (Continued)

(1) (Continued)

(P) (Continued)

2. The adult adoptee, any living adoptive parent and birth parent all sign waivers of his/her right to confidentiality of the adoption record for the purpose of arranging contact among these persons in accordance with Civil Code Section ~~230/6~~ 229.50, or

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~230/6~~ 229.50 is located at Section 35049(~~ab~~) (4) (B).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/6~~ 229.40(a), or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/6~~ 229.40(a), or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Civil Code Section ~~227/6~~ 229.40(a).

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~227/6~~ 229.40(a), is located at Section 35053(~~ab~~) (1).

HANDBOOK ENDS HERE

(Q) (Continued)

(2) (Contained)

(R) (Continued)

2. The adult adoptee, any living adoptive parent and birth parent all sign waivers of his/her right to confidentiality of the adoption record for the purpose of arranging contact among these persons in accordance with Civil Code Section ~~220/8~~ 229.50, or

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~220/8~~ 229.50 is located at Section 35049(~~ab~~) (4) (B).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/8~~ 229.40(a), or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/8~~ 229.40(a), or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Civil Code Section ~~227/8~~ 229.40(a).

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~227/8~~ 229.40(a), is located at Section 35053(~~ab~~) (1).

HANDBOOK ENDS HERE

(S) (Continued)

(3) (Continued)

(T) (Continued)

2. The adult adoptee, any living adoptive parent and birth parent all sign waivers of his/her right to confidentiality of the adoption record for the purpose of arranging contact among these persons in accordance with Civil Code Section ~~220/6~~ 229.50, or

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~220/6~~ 229.50 is located at Section 35049(~~4b~~) (4) (B).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/6Y~~ 229.40(a), or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/6Y~~ 229.40(a), or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Civil Code Section ~~227/6Y~~ 229.40(a).

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~227/6Y~~ 229.40(a), is located at Section 35053(~~4b~~) (1).

HANDBOOK ENDS HERE

(U) (Continued)

(4) (Continued)

(T) (Continued)

2. The adult adoptee, any living adoptive parent and birth parent all sign waivers of his/her right to confidentiality of the adoption record for the purpose of arranging contact among these persons in accordance with Civil Code Section ~~220/6~~ 229.50, or



HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~220/8~~ 229.50 is located at Section 35049(~~b~~) (4) (B).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/8~~ 229.40(a), or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with Civil Code Section ~~227/8~~ 229.40(a), or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with Civil Code Section ~~227/8~~ 229.40(a).

HANDBOOK BEGINS HERE

- (i) The content of Civil Code Section ~~227/8~~ 229.40(a), is located at Section 35053(~~b~~) (1).

HANDBOOK ENDS HERE

(U) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections ~~224a/ 224a/ 224b/ 224b/ 224b/ 224t/ 224v/ 227aaa/ 227a/ 228/ 229~~ 221.40, 221.74, 221.76, 222.10, 222.13, 222.15, 222.20, 222.26, 229.20, 229.30, 229.40(c), and 7017, Civil Code; Sections 6408 and 6408.5, Probate Code; Section 16507.5, Welfare and Institutions Code; and 25 USC Sections 1901, 1902, 1903, 1911, 1912, 1913, 1914, 1915, 1916, and 1917.

Amend Section 35149 to read:

35149 ACCEPTING THE STATEMENT OF UNDERSTANDING

35149

(a) (Continued)

(3) (Continued)

- (B) In the presence of an authorized child welfare services agency representative or before a notary public, if signed out-of-state pursuant to Civil Code Section ~~224~~ 222.10.

HANDBOOK BEGINS HERE

1. Civil Code Section ~~224~~ 222.10 ~~reads,~~ in ~~relevant~~ pertinent part, reads as follows:

"...~~In cases where a~~ If a birth father or mother of a child resides outside the State of California and the child is being cared for and is placed for adoption by an organization licensed adoption agency by the state department of social services to place children for adoption; the birth father or mother may relinquish the child to the organization agency by a written statement signed by the birth father or mother before a notary on a form prescribed by the organization agency and previously signed by an authorized official of the organization agency, which signifies the willingness of the organization agency to accept the relinquishment..."

2. (Continued)

3. (Continued)

HANDBOOK ENDS HERE

(C) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section ~~224~~ 222.10, Civil Code; and 25 U.S.C. Sections 1903(1) and 1913.

Amend Section 35151 to read:

35151 ACCEPTING THE RELINQUISHMENT DOCUMENT

35151

(a) (Continued)

(2) (Continued)

- (C) In the presence of an authorized child welfare services agency representative or before a notary public if accepted from out-of-state pursuant to Civil Code Section ~~224~~ 222.10.

HANDBOOK BEGINS HERE

1. Civil Code Section ~~224~~ 222.10 is located at Section 35149 (a) (3) (B) 1.
2. (Continued)
3. (Continued)

HANDBOOK ENDS HERE

(D) (Continued)

(3) (Continued)

- (A) Present to the parent the statements required by Civil Code Section ~~224~~ 222.15 and obtain a response from the parent in writing and the parent's signature on the form.

HANDBOOK BEGINS HERE

21. This form is the AD 908.
12. ~~The content of~~ Civil Code Section ~~224~~ is referenced at  
Section 35121(a)(3)(B) 222.15 reads as follows:

"(a) The department shall adopt a statement to be presented to the birth parents at the time the relinquishment is signed and to prospective adoptive parents at the time of the home study which shall, in a clear and concise manner, in words calculated to assure the confidence of the birth parent in the integrity of the adoption process, communicate to the birth parent of a child who is the subject of an adoption petition all of the following facts:

- (1) It is in the best interest of the child that the birth parent keep the department or the licensed adoption agency to whom the child was relinquished for adoption informed of any health problems that the parent develops that could affect the child.
  - (2) It is extremely important that the birth parent keep his or her address current with the department or the licensed adoption agency to whom the child was relinquished for adoption in order to permit a response to any inquiries to the department or licensed adoption agency concerning medical or social history.
  - (3) Section 229.40 of the Civil Code authorizes a person who has been adopted and who attains the age of 21 to request the department or the licensed adoption agency that joined in the petition for his or her adoption to disclose the name and address of his or her birth parent. Consequently, it is of the utmost importance that the birth parent indicate whether or not he or she wishes his or her name and address to be so disclosed by checking the appropriate box provided on the form.
  - (4) The birth parent may change his or her decision as to whether or not he or she wishes his or her name and address disclosed, at any time, by sending a notarized letter to that effect, by certified mail, return receipt requested, to the department or to the licensed adoption agency that joined in the petition for adoption.
  - (5) The relinquishment will be filed in the office of the county clerk of the county in which the adoption takes place. The file is not open to inspection by any persons other than the parties to the adoption proceedings, their attorneys, and the department, except upon order of the judge of the superior court.
- (b) The department shall adopt a form to be signed by the birth parents at the time the relinquishment is signed which shall provide as follows:

Section 229.40 of the Civil Code authorizes a person who has been adopted and who attains the age of 21 to petition the State Department of Social Services or the licensed adoption agency that joined in the petition for his or her adoption to obtain the name and address of his or her birth parent. Indicate by checking one of the boxes below whether or not you wish your name and address to be so disclosed:

☐ YES

☐ NO

☐ UNCERTAIN AT THIS TIME; WILL NOTIFY AGENCY AT LATER DATE"

HANDBOOK ENDS HERE

- (B) Advise the parent of the provisions of Civil Code Section 2240 222.13.

HANDBOOK BEGINS HERE

1. Civil Code Section 2240 222.13 reads as follows:

"Civil Code Section 2240/ On or before the time a relinquishment of a consent to adoption is signed, the birth parent signing the relinquishment of consent shall be advised verbally and in writing by the department or the licensed adoption agency, that he or she may, at any time in the future, request from the agency or the department or agency all known information about the status of the child's adoption, except for personal, identifying information about the adoptive family. The birth parent shall be advised that this information includes, but is not limited to, all of the following: (1) whether the child has been placed for adoption, (2) the approximate date that an adoption was completed, and (3) if the adoption was not completed or was vacated, for any reason, whether adoptive placement of the child is again being considered."

HANDBOOK ENDS HERE

- (C) (Continued)

Authority Cited: Section 10553 and 10554, Welfare and Institutions Code.

Reference: Section 2240 222.10 and 222.13, Civil Code; and 25 U.S.C. Sections 1903(1) and 1913.

Amend Sections 35153 and 35155 Reference Notes to read:

35153	SUBMITTING THE RELINQUISHMENT FORM TO THE DEPARTMENT (Continued)	35153
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Reference:           Section ~~224~~ 222.10, Civil Code.

35155	ADDITIONAL COUNSELING/REFERRAL SERVICES (Continued)	35155
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Reference:           Section ~~224~~ 222.10, Civil Code.

35157 EXPRESSION OF INTENT TO REVOKE RELINQUISHMENT

(a) (Reserved)

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

(~~a~~b) (Continued)

Reference: Section 224a 222.10, Civil Code; and 25 U.S.C. 1901 et seq./  
and Section 10553(e), Welfare and Institutions Code/

Amend Section 35159 Reference Note to read:

35159 PROCEDURES FOR RETURN OF THE CHILD TO PARENT WHO GAVE  
PHYSICAL CUSTODY (Continued)

35159

Reference: Section ~~224n~~ 222.10, Civil Code and Section ~~10333(e)~~ /  
~~Welfare and Institutions Code~~.



Amend Section 35161 to read:

35161 REVOCATION BY PARENT WHO DID NOT GIVE PHYSICAL CUSTODY

35161

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section ~~224A~~ 222.10, Civil Code; and 25 U.S.C. 1901 et seq. /  
~~and Section 10553(e), Welfare and Institutions Code.~~

Amend Section 35163 and 35165, Reference Notes to read:

35163 TREATMENT OF REVOKED RELINQUISHMENT FORM (Continued)

35163

Reference: Section ~~224n~~ 222.10, Civil Code ~~and Section 10331(e)/~~  
~~Welfare and Institutions Code.~~

35165 PROCEDURES WHEN THE AGENCY REFUSES TO RETURN CHILD (Continued) 35165

Reference: Section ~~224n~~ 222.10, Civil Code ~~and Section 10331(e)/~~  
~~Welfare and Institutions Code.~~

Amend Section 35167 to read:

35167 AUTHORITY FOR RESCISSION

35167

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) A relinquishment which has been filed with the department shall be rescinded only as specified at Civil Code Section ~~224~~ 222.10.

HANDBOOK BEGINS HERE

(1) Civil Code Section ~~224~~ 222.10 ~~reads~~, in pertinent part, reads as follows:

"~~Civil Code Section 224~~! ...Upon filing with the department, the relinquishment is final and may be rescinded only by the mutual consent of the adoption agency and the birth parent or parents relinquishing the child..."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section ~~224~~ 222.10, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35169 to read:

35169      EXPRESSION OF INTENT TO RESCIND RELINQUISHMENT

35169

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

Authority Cited:    Sections 10553 and 10554, Welfare and Institutions Code; and  
                         Section 1530, Health and Safety Code.

Reference:            Section ~~224~~ 222.10, Civil Code/; and 25 U.S.C. 1901 et  
                         seq. / and Section 10553(e), Welfare and Institutions Code/

Amend Section 35171 to read:

35171     CONTENT OF WRITTEN ASSESSMENT OF THE CHILD

35171

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

Authority Cited:     Sections 10553 and 10554, Welfare and Institutions Code;  
                         Section 1530, Health and Safety Code; and Section ~~224~~  
                         222.26(b), Civil Code.

Reference:            Sections ~~224~~/~~226~~/~~276~~ and ~~227~~ 222.26, 222.75, and  
                         228.10, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35173 to read:

35173 DOCUMENTS, REPORTS AND AUTHORIZATIONS REQUIRED FOR  
ASSESSMENT OF THE CHILD

35173

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(a) (Continued)

(3) (Continued)

(A) The information contained in the medical report shall be sufficient to enable the agency to comply with the requirements of Civil Code Section ~~224.5~~ 222.26(a) as set forth at Section 35209(a)(1).

(4) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 222.26(b), Civil Code.

Reference: Sections ~~224.5 and 226.5~~ 222.26(a) and 222.75, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Sections 35175, 35177, 35183, 35185 and 35187 Reference Notes to read:

35175 SERVICES FOR CHILDREN ACCEPTED FOR ADOPTION PLANNING 35175  
(Continued)

Reference: Sections ~~224b/ 224n/ 226b/ and 27b~~ 222.20, 222.26(a), 222.35, and 222.75, Civil Code.

35177 REQUIREMENT FOR WRITTEN APPLICATION (Continued) 35177

Reference: Section ~~224n~~ 222.20, Civil Code.

35183 ASSESSMENT OF APPLICANT AND AUTHORITY FOR DISAPPROVAL 35183  
(Continued)

Reference: Section ~~226b(b)~~ 222.75, Civil Code ~~and Section 10553(e)/~~  
~~Welfare and Institutions Code.~~

35185 INTERVIEWS DURING ASSESSMENT (Continued) 35185

Reference: Section ~~226b(b)~~ 222.75, Civil Code ~~and Section 10553(e)/~~  
~~Welfare and Institutions Code.~~

35187 EXCEPTIONS TO ASSESSMENT INTERVIEW REQUIREMENTS (Continued) 35187

Reference: Section ~~226b(b)~~ 222.75, Civil Code ~~and Section 10553(e)/~~  
~~Welfare and Institutions Code.~~

Amend Section 35189 to read:

35189 IDENTIFYING INFORMATION AND EVALUATION OF  
CHARACTERISTICS OF APPLICANT

35189

(a) (Continued)

(3) (Continued)

(A) (Continued)

HANDBOOK BEGINS HERE

1. Civil Code Section ~~226.55~~ 222.40 ~~reads,~~ in ~~relevant~~  
pertinent part, reads as follows:

"...The record, if any, shall be taken into consideration when evaluating a prospective adoptive parent, and an assessment of the effects of his or her criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court..."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code/ ~~and Section 226.55/ Civil Code.~~

Reference: Sections ~~226.55/ 226.18 and 276~~ 222.35, 222.40, and 222.75, Civil Code ~~and Section 10553.1e/ Welfare and Institutions Code.~~



Amend Section 35191 to read:

35191 INFORMATION AND STATEMENT TO BE PROVIDED TO THE  
ADOPTIVE APPLICANT

35191

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(a) (Continued)

(2) The requirements of Civil Code Section ~~224~~ 222.15 as set forth at Section ~~35151(a)(3)(A)2.~~

(A) (Continued)

(4) (Continued)

HANDBOOK BEGINS HERE

(A) "Reunion" refers to post adoption contact as authorized by Civil Code Sections ~~230/8/ 230/8/ and 227~~ 229.40, 229.50, and 229.60.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Sections ~~224/ 224/ 224/ 227/ 230/8/ and 230/8~~ 222.15, 222.26, 229.30, 229.40, 229.50, and 229.60, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35193 to read:

35193 INFORMATION AND SERVICES TO BE PROVIDED TO ADOPTIVE  
APPLICANT (Continued)

35193

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

Authority Cited: Section 10553 and 10554, Welfare and Institutions Code; and  
Section 1530, Health and Safety Code.

Reference: Sections 222.20, 222.26, 222.30, 222.40, 222.50, 222.72, 222.75, 222.77, and 222.90, Civil Code; and 25 U.S.C. 1901 et seq. Section 10553.1, Welfare and Institutions Code.

Amend Section 35195 to read:

35195     ADDITIONAL REQUIREMENTS FOR ASSESSMENT OF ADOPTIVE  
          APPLICANTS (Continued)

35195

(a)        (Continued)

(7)        (Continued)

HANDBOOK BEGINS HERE

- (A)     Civil Code Section ~~226/333~~ 222.40 ~~reads,~~ in ~~relevant~~  
pertinent part, reads as follows:

"The ~~State~~ Department of Social Services, a local public  
or a licensed adoption agency, ~~of a licensed private~~  
~~adoption agency~~ shall require all persons filing an  
application or a ~~petition~~ to adopt a child to be  
fingerprinted and shall secure from an appropriate law  
enforcement agency any criminal record of that person to  
determine whether the person has ever been convicted of a  
crime other thanb a minor traffic violation. Those  
agencies may also secure the full criminal record, if  
any, of those persons..."

HANDBOOK ENDS HERE

(B)        (Continued)

Authority Cited:   Sections 10553 and 10554, Welfare and Institutions Code/;  
                         and Section 1530, Health and Safety Code/ ~~and Section~~  
                         ~~226/333/ Civil Code.~~

Reference:         ~~Section 10553/ey/~~ Welfare and Institutions Code/ Section  
                         ~~226/33~~ 222.40, Civil Code; and Section 11105.2, Penal Code.

Amend Section 35197 Authority and Reference Notes to read:

35197 WRITTEN NOTIFICATION OF AGENCY'S DECISION REGARDING  
THE ADOPTIVE PLACEMENT OF A CHILD AND GRIEVANCE  
REVIEW PROCEDURES (Continued)

35197

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and  
Section 1530, Health and Safety Code/ ~~and Section 226/33/~~  
~~Civil Code.~~

Reference: ~~Section 10553/4/ Welfare and Institutions Code and Sections~~  
~~224 and 222.20 and 226/33 222.40, Civil Code; and Section~~  
11105.2, Penal Code.

Amend Section 35199 to read:

35199     EXCEPTION TO THE REQUIREMENT THAT CHILD BE LEGALLY  
             FREED PRIOR TO ADOPTIVE PLACEMENT

35199

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(a) (Continued)

Authority Cited:    Sections 10553 and 10554, Welfare and Institutions Code; and  
                         Section 1530, Health and Safety Code.

Reference:           Sections 222.10 and 222.20, Civil Code; and 25 U.S.C. 1901  
                         et seq. and Section 10553(e), Welfare and Institutions Code.

Amend Section 35201 to read:

35201 PRIORITY PLACEMENT REQUIREMENT

35201

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(ab) (Continued)

- (2) Give priority to approved applicants who most nearly match in the aggregate the racial background/ ethnic heritage/ religion and cultural heritage of the child/ Geographic proximity as to where the child currently resides shall be considered only as it relates to the choice between two or more otherwise suitable applicants/ Placement of children shall not be delayed for a time to exceed six months solely for the purpose of meeting the matching requirement of this section Follow the order of placement preference requirements of Civil Code Sections 222.35, 222.36, 222.37, and 222.38.

HANDBOOK BEGINS HERE

(A) Civil Code Section 222.35 reads as follows:

"Whenever a child is being considered for adoption, the following order of placement preferences regarding racial background or ethnic identification shall be used, subject to the provisions of this section, in determining the adoptive setting in which the child should be placed:

- (a) In the home of a relative.
- (b) If a relative is not available, or if placement with available relatives is not in the child's best interest, with an adoptive family with the same racial background or ethnic identification as the child. If the child has a mixed racial or ethnic background, placement shall be made with a family of the racial or ethnic group with which the child has the more significant contacts.
- (c) If placement cannot be made under the rules set forth in this section within 90 days from the time the child is relinquished for adoption or has been declared free from parental custody or control, the child is free for adoption with a family of a different racial background or ethnic

identification where there is evidence of sensitivity to the child's race, ethnicity, and culture. The child's religious background shall also be considered in determining an appropriate placement. A child may not be free for adoption with a family of a different racial background or ethnic identification pursuant to this subdivision however, unless it can be documented that a diligent search meeting the requirements of Section 222.37 for a family meeting the placement criteria has been accomplished."

(B) Civil Code Section 222.36 reads as follows:

"A determination of good cause not to follow the rules set forth in Section 222.35 may be based on one or more of the following considerations:

- (a) Request of the parent or parents.
- (b) The extraordinary physical or emotional needs of the child.
- (c) The child is legally free for adoption for a period exceeding 90 days during which a diligent search was conducted, and no family meeting the placement preference criteria is available for placement. Documentation shall be necessary in order to make a finding of good cause under this section.
- (d) Application of these rules would not be in the best interests of the child."

(C) The content of Civil Code Section 222.37 is located at Section 35047(a)(24)(A).

(D) Civil Code Section 222.38 reads as follows:

"Sections 222.35 to 222.37, inclusive, shall be applicable only in determining the placement of a child who has been relinquished for adoption or has been declared free from the custody and control of the parents."

HANDBOOK ENDS HERE

(3) (Continued)

(Bc) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code/ ~~and Section 226/33/ Civil Code.~~

Reference: 25 U.S.C. 1901 et seq.; Section 10553/4/ Welfare and Institutions Code and Sections 226/33 and 276 222.35, 222.36, 222.37, 222.38 and 222.40, Civil Code.

Amend Section 35203 to read:

35203 EXCEPTIONS TO PRIORITY PLACEMENT REQUIREMENT

35203

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(a) Exceptions to the priority placement requirement shall be permitted in the following instances:

- (1) In accordance with the expressed wishes of the relinquishing parent.
- (2) When a child meets the requirements of Civil Code Section 222.20.

HANDBOOK BEGINS HERE

(A) Civil Code Section 222.20, in pertinent part, reads as follows:

"...Notwithstanding any other provision of law, if the child has been in foster care for a period of more than four months, the child has substantial emotional ties to the foster parent or parents, the child's removal from the foster parent or parents would be seriously detrimental to the child's well-being, and the foster parent or parents make a written request to be considered to adopt the child, the foster parent or parents shall be considered with respect to that child along with all other prospective adoptive families. The department or agency shall take into consideration any relevant factors that it deems necessary in determining the adoptive placement which is in the best interests of the child.

The decision of the department or licensed adoption agency for the adoptive placement of the child shall be presumed to be in the best interests of the child. This presumption may be rebutted in an action, filed by the foster parent or parents, by a preponderance of the evidence that foster care has been provided by the requesting foster parent or parents for more than four months, that the child has substantial emotional ties to the foster parent or parents, and that the adoptive placement of the child with someone other than the foster parent or parents would be seriously detrimental to the child's well-being.



This subdivision does not apply to a child who has been adjudged to be a dependent of the juvenile court pursuant to Section 300 of the Welfare and Institutions Code."

HANDBOOK ENDS HERE

(23) (Continued)

HANDBOOK BEGINS HERE

(A) Welfare and Institutions Code Section 366.25(g) reads as follows:

"Welfare and Institutions Code Section 366.25(g): Notwithstanding any other provision of law, the application of any person who, as a foster parent, has cared for a dependent child for whom the court has approved a permanent plan for adoption, or who has been freed for adoption, shall be given preference with respect to that child over all other applications for adoptive placement if the agency making the placement determines that the child has substantial emotional ties to the foster parent and removal from the foster parent would be seriously detrimental to the child's well-being."

As used in this subdivision, 'preference' means that the application shall be processed and, if satisfactory, the family study shall be completed before the processing of the application of any other person for the adoptive placement of the child." For a child adjudged a dependent of the court under Welfare and Institutions Code Section 360(c) prior to January 1, 1989, Welfare and Institutions Code Section 366.25(g) reads as follows:

"(g) Notwithstanding any other provision of law, the application of any person who, as a foster parent, including relative caretakers, has cared for a dependent child for whom the court has approved a permanent plan for adoption, or who has been freed for adoption, shall be given preference with respect to that child over all other applications for adoptive placement if the agency making the placement determines that the child has substantial emotional ties to the foster parent and removal from the foster parent would be seriously detrimental to the child's well-being."

As used in this subdivision, 'preference' means that the application shall be processed and, if satisfactory, the family study shall be completed before the processing of the application of any other person for the adoptive placement of the child."

(B) For a child adjudged a dependent of the court under Welfare and Institutions Code Section 360(c) on or after January 1, 1989, Welfare and Institutions Code Section 366.26(j) reads as follows:

"(j) Notwithstanding any other provision of law, the application of any person who, as a relative caretaker or foster parent, has cared for a dependent child for whom the court has approved a permanent plan for adoption, or who has been freed for adoption, shall be given preference with respect to that child over all other applications for adoptive placement if the agency making the placement determines that the child has substantial emotional ties to the relative caretaker or foster parent and removal from the relative caretaker or foster parent would be seriously detrimental to the child's well-being.

As used in this subdivision, 'preference' means that the application shall be processed and, if satisfactory, the family study shall be completed before the processing of the application of any other person for the adoptive placement of the child."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: 25 U.S.C. 1901 et seq.; Sections 366.25(g) and 366.26(j), Welfare and Institutions Code; and Section 222.20, Civil Code.

Repeal Section 35205:

35205 ADDITIONAL REQUIREMENTS FOR A CHILD WHO IS SUBJECT  
TO THE ICWA

35205

A child who is subject to the ICWA shall be placed for adoption in accordance with the requirements specified at Subchapter 8, Article 7, Section 35381 et seq.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and  
Section 1530, Health and Safety Code.

Reference: 25 U.S.C. 1901 et seq.

Amend Section 35207 to read:

35207 ADOPTIVE PLACEMENT AGREEMENT

35207

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

(1) (Continued)

(B) The agency's responsibility to retain custody of the child and to supervise the adoptive placement until the granting of the final decree of adoption in accordance with Civil Code Section ~~224A~~ 222.20 and Welfare and Institutions Code Section 366.26(i).

HANDBOOK BEGINS HERE

1. Civil Code Section ~~224A~~ 222.20 reads, in pertinent part, as follows:

~~"Civil Code Section 224A/~~ The department or licensed adoption agency to which a child has been freed for adoption by either relinquishment or termination of parental rights shall be responsible for the care of the child, and shall be entitled to the exclusive custody and control of the child until a final decree an order of adoption has been granted. Any placement for temporary care, or for adoption made by the department or a licensed adoption agency/ may be terminated at its discretion at any time prior to the granting of a final decree an order of adoption. In the event of termination of any placement for temporary care or for adoption, the child shall be returned promptly to the physical custody of the agency.

No petition may be filed to adopt a child relinquished to the department or a licensed adoption agency or a child declared free from the custody and control of either birth parent or both ~~of his or her~~ parents and referred to the department or a licensed adoption agency for adoptive placement, except by the prospective adoptive parents with whom the child has been placed for adoption by the department or licensed adoption agency. After the petition for adoption has been filed, the department or licensed

adoption agency may remove the child from the prospective adoptive parents only with the approval of the court, upon motion by the department or a licensed adoption agency after notice to the prospective adoptive parents, supported by an affidavit or affidavits stating the grounds on which removal is sought. If the department or a licensed adoption agency refuses to consent to the adoption of a child by the person or persons with whom the department or licensed adoption agency placed the child for adoption, the superior court may nevertheless ~~decree~~ order the adoption if it finds that the refusal to consent is not in the best interest of the child..."

2. Welfare and Institutions Code Section 366.26(i) reads as follows:

"If the court, by the order or judgment declared the minor free from the custody and control of both parents, or one parent if the other no longer has custody and control, the court shall at the same time order the minor referred to a licensed county adoption agency for adoptive placement by the agency. However, no petition for adoption may be heard until the appellate rights of the natural parents have been exhausted. The licensed county adoption agency shall be responsible for the care and supervision of the minor and shall be entitled to the exclusive care and control of the minor at all time until a petition for adoption is granted."

HANDBOOK ENDS HERE

(C) (Continued).

(N) The provisions of Civil Code Section ~~226.10~~ 222.50 and Penal Code Section 280 regarding concealment of a child.

HANDBOOK BEGINS HERE

1. The provisions of Civil Code Section 226.10 are located at Section 226.10/227.10 Civil Code Section 222.50 reads as follows:

"(a) In no event, nor for any period of time, shall a child who has been relinquished for adoption be removed from the county in which the child was placed by any person who has not petitioned to adopt the child without first obtaining the written consent of the department or the licensed adoption agency responsible for the child."

- (b) During the pendency of an adoption proceeding, the child proposed to be adopted shall not be concealed within the county in which the adoption is pending. The child shall not be removed from that county, unless the petitioners or other interested persons first obtain permission for the removal from the court after giving advance written notice of intent to obtain the court's permission to the department or to the licensed adoption agency responsible for the child. Upon proof of the giving of the notice, permission may be granted by the court if, within a period of 15 days from and after the date of the giving of the notice, no objections have been filed with the court by the department or the licensed adoption agency responsible for the child. If objections are filed within that period by the department or the licensed adoption agency, upon the request of the petitioners the court shall immediately set the matter for hearing and give to the objector, the petitioners, and the party or parties requesting permission for the removal reasonable notice of the hearing by certified mail, return receipt requested, to the address of each as shown in the records of the adoption proceeding. Upon a finding that the objections are without good cause, the court may grant the requested permission for removal of the child, subject to such limitations as appear to be in the best interests of the child.

This section does not apply in any of the following situations:

- (1) When the child is absent for a period of not more than 30 days from the county in which the adoption proceeding is pending, provided that a notice of recommendation of denial of petition has not been personally served on the petitioners or the court has not issued an order prohibiting the removal of the child from the county pending consideration of any of the following:
  - (A) The suitability of the petitioners.
  - (B) The care provided the child.
  - (C) The availability of the legally required agency consents to the adoption.
- (2) When the child has been returned to and remains in the custody and control of his or her birth parent or parents.

(3) When written consent for the removal of the child is obtained from the department or the licensed adoption agency responsible for the child.

(c) A violation of this section constitutes a violation of Section 280 of the Penal Code.

(d) Neither this section nor Section 280 of the Penal Code shall be construed to render lawful any act which is unlawful under any other applicable provision of law."

2. The provisions of Penal Code Section 280 are located at Section 35085(~~a~~b) (3) (b).

HANDBOOK ENDS HERE

(O) The disbursement report required by Civil Code Section ~~224~~ 221.50.

HANDBOOK BEGINS HERE

1. The provisions of Civil Code Section ~~224~~ 221.50 are located at Section 35085(~~a~~b) (4) (A).

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Sections ~~224~~/ ~~224~~ 221.50, 222.20, and ~~226/10~~ 222.50, Civil Code; 25 U.S.C. 1901 et seq.; and Sections 16118/ and 16119, ~~and 10333(e)~~, Welfare and Institutions Code.

Amend Section 35209 to read:

35209 MEDICAL BACKGROUND REPORT ON CHILD

35209

- (a) Prior to or at the time of adoptive placement of the child, the agency shall give a written report to the prospective adoptive parents on the medical background of the child and the child's birth parents in accordance with Civil Code Section ~~2245(a)~~ 222.26(a) and obtain a written statement from the prospective adoptive parents acknowledging receipt of the report.

HANDBOOK BEGINS HERE

- (1) Civil Code Section ~~2245(a)~~ 222.26(a) reads ~~in part~~ as follows:  
"~~Civil Code Section 2245(a)~~ No agency shall place a child for adoption unless a written medical report on the child's medical background, and if available so far as ascertainable, the medical background of the child's ~~birth~~ biological parents, has been submitted to the prospective adoptive parents and the prospective adoptive parents have acknowledged in writing the receipt of ~~such~~ that report.

The report on the child's background shall contain all known diagnostic information, including current medical reports on the child, psychological evaluations, and scholastic information, as well as all known information regarding the child's developmental history and family life.///"

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section ~~2245(a)~~ 222.26(a), Civil Code.



Amend Sections 35211, 35213, and 35215 Reference Notes to read:

35211 WRITTEN REPORT ON ASSESSMENT OF CHILD TO BE PROVIDED 35211  
TO PROSPECTIVE ADOPTIVE PARENTS (Continued)

Reference: Section ~~224~~ 222.26(a), Civil Code and Section ~~10333(e)~~ /  
~~Welfare and Institutions Code~~.

35213 FILING OF FORMS PERTAINING TO PLACEMENT (Continued) 35213

Reference: Sections ~~224~~ / 222.20 and 239(b), Civil Code.

35215 REQUIREMENT FOR SUPERVISION OF THE ADOPTIVE PLACEMENT 35215  
(Continued)

Reference: Sections ~~10333 and 10319~~ / ~~Welfare and Institutions Code~~ and  
Sections ~~224~~ 222.20 and 239, Civil Code.

Amend Section 35217 to read:

35217 DURATION OF SUPERVISORY PERIOD AND EXCEPTIONS

35217

(a) Reserved

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section 10553, Welfare and Institutions Code and Sections 224 and 222.20 and 239, Civil Code; and 25 U.S.C. 1901 et seq.

Amend Section 35219 Reference Note to read:

35219 INTERVIEW REQUIREMENTS DURING SUPERVISORY PERIOD (Continued) . 35219

Reference: *Section 10337(e), Welfare and Institutions Code and Sections 224 and 222.20 and 239, Civil Code.*

Amend Section 35223 to read:

35223 WRITTEN NOTIFICATION OF TERMINATION OF ADOPTIVE PLACEMENT  
(Continued)

35223

(a) Reserved

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

(b) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section 222.20, Civil Code; and 25 U.S.C. 1901 et seq.  
~~Section 10553(e), Welfare and Institutions Code~~

Amend Section 35225 to read:

35225 PROCEDURES FOR PROSPECTIVE ADOPTIVE PARENTS WHO MOVE  
AFTER THE ADOPTIVE PLACEMENT AND REQUESTS FOR SERVICE

35225

(a) (Continued)

- (1) Inform the prospective adoptive parents of the provisions of Civil Code Sections ~~227~~ 221.60, 221.62, 221.63, 221.65, 221.70 and 222.78, regarding prior court appearance, as appropriate.

(2) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Sections ~~227~~ 221.60, 221.62, 221.63, 221.65, 221.70, 222.78, and 264, Civil Code.

Amend Section 35227 to read:

35227 SECURING AN AMENDED BIRTH CERTIFICATE

35227

(a) (Continued)

- (6) If both adoptive parents are living at the time of placement and one parent dies prior to finalization of the adoption, the agency shall inform the surviving parent of the provisions of Civil Code Section ~~23015~~ 221.72.

HANDBOOK BEGINS HERE

- (A) Civil Code Section ~~23015~~ 221.72 permits an action to be brought in the county of the petitioner's residence for the purpose of obtaining a new birth certificate for the adopted child which specifies that a deceased spouse, who was present in the home at the time of the adoptive placement, is the parent of the child.

HANDBOOK END HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code, and Section 1530, Health and Safety Code.

Reference: ~~Sections 10553/4 and 15119/ Welfare and Institutions Code and~~ Section ~~23015~~ 221.72, Civil Code.

Amend Section 35229 Authority and Reference Notes to read:

35229 COMPLETION OF THE ADOPTION (Continued)

35229

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code/ ~~and Section 226188/ Civil Code.~~

Reference: ~~Section 10553/ Welfare and Institutions Code and Sections 226188~~ 222.40 and ~~226188/~~ 222.75, Civil Code.

Amend Section 35231 to read:

35231 CONCURRENT PETITIONS

35231

If a petition for the adoption of a child for whom the agency has care, custody, and control pursuant to Civil Code Section ~~224~~ 222.20 is filed by a person or persons with whom the agency has not placed the child for adoption, the agency shall petition the court to dismiss such petition for adoption.

Authority Cited: Section 10553, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section ~~224~~ 222.20, Civil Code.



Amend Sections 35233, 35241, 35243, 35245 and 35247 Authority and Reference Notes to read:

35233 WRITTEN REQUEST FOR GRIEVANCE REVIEW (Continued)

35233

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code; ~~and Section 226.33/ Civil Code.~~

Reference: ~~Section 10553.45/ Welfare and Institutions Code; and Section 226.33 222.40, Civil Code.~~

35241 ADDITIONAL ADMINISTRATIVE REQUIREMENTS FOR INTERCOUNTRY ADOPTIONS (Continued)

35241

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: ~~Sections 10553.45/ and 16141/ Welfare and Institutions Code~~ Section 226.10, Civil Code.

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~10144/1/ Welfare and Institutions Code~~ 226.10 and 226.25, Civil Code.

## 35245 SUBMISSION OF REPORTS (Continued)

35245

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections 10852 ~~and 10141/~~ Welfare and Institutions Code; and Section 226.10, Civil Code.

## 35247 SUBMISSION OF INFORMATION TO THE DEPARTMENT (Continued)

35247

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections 10852 ~~and 10141/~~ Welfare and Institutions Code; and Section 226.10, Civil Code.

Amend Section 35249 to read:

35249 REQUIREMENT FOR FEE SCHEDULE

35249

- (a) The agency shall establish a fee schedule for intercountry adoption services as required by Welfare and Institutions Code Section 16143.2 Civil Code Section 226.28.

HANDBOOK BEGINS HERE

- (1) Welfare and Institutions Code Section 16143.2 Civil Code Section 226.28 reads as follows:

"Welfare and Institutions Code Section 16143.2 The costs incurred by licensed adoption agencies pursuant to programs established by the act which added this section to the Welfare and Institutions Code this article shall be funded by fees charged by those agencies for services required by this chapter article. The agency's fee schedule must shall be approved by the department initially, and whenever it is altered."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553/ and 10554, and 16141 Welfare and Institutions Code; and Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections 16143.2 Welfare and Institutions Code 226.10 and 226.28, Civil Code.

Amend Section 35251 to read:

35251 INTERCOUNTRY ADOPTIONS CASE RECORD REQUIREMENTS

35251

(a) (Continued)

(1) (Continued)

(D) Copy of written Assessment of the Applicant as required by Subchapter 6, Article 3, ~~section 35257/et/seq~~ including:

1. Documentation required by Section ~~35257~~ <sup>V</sup> 35269.

2. (Continued) <sup>MPP</sup>

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~16141/ Welfare and Institutions Code~~ 226.10, 226.20, and 226.23, Civil Code.

Amend Sections 35253, 35255, 35257, 35259, 35261, 35263, 35265, and 35267  
Authority and Reference Notes to read:

35253 STAFFING AND POST-ADOPTION SERVICES (Continued) 35253

Authority Cited: Sections 10553/ and 10554, ~~and~~ 16141/ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Section ~~16141~~ 226.10, Welfare and Institutions Civil Code.

35255 ICA REQUIREMENT FOR WRITTEN APPLICATION (Continued) 35255

Authority Cited: Sections 10553/ and 10554, ~~and~~ 16141/ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Section ~~16141/ Welfare and Institutions Code/ and Section 226.10/~~ 226.10, Civil Code.

35257 REQUIREMENT FOR ASSESSMENT OF APPLICANT (Continued) 35257

Authority Cited: Sections 10553/ and 10554, ~~and~~ 16141/ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~16141~~ 226.10, 226.20, and 226.23, Welfare and Institutions Code and Section 226.11/ Civil Code.

35259 AUTHORITY FOR DISAPPROVAL OF APPLICANT (Continued) 35259

Authority Cited: Sections 10553/ and 10554, ~~and~~ 16141/ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Section ~~16141~~ 226.10, Welfare and Institutions Civil Code.

35261 REQUIREMENT FOR COMPLETION OF ASSESSMENT PROCESS (Continued) 35261

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Section ~~16141~~ 226.10, Welfare and Institutions Civil Code.

35263 INTERCOUNTRY ADOPTIONS ASSESSMENT INTERVIEW REQUIREMENTS 35263  
(Continued)

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~16141~~ 226.10, 226.20, and 226.23, Welfare and Institutions Civil Code.

35265 ITEMS TO BE DISCUSSED WITH APPLICANT (Continued) 35265

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~16141~~ 226.10, 226.20, and 226.23, Welfare and Institutions Civil Code.

35267 INFORMATION TRANSMITTED TO THE APPLICANT DURING ASSESSMENT 35267  
(Continued)

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~16141~~ 226.10, 226.20, and 226.23, Welfare and Institutions Civil Code.

Amend Section 35269 to read:

35269 DOCUMENTATION FROM THE APPLICANT

35269

(a) (Continued)

(5) (Continued)

HANDBOOK BEGINS HERE

- (A) Civil Code Section ~~226.11~~ 226.30 ~~reads,~~ in ~~relevant~~ pertinent part, reads as follows:

"The State Department of Social Services, a local public adoption agency, or ~~a~~ licensed private adoption agency shall require all persons filing an application or a petition to adopt a child to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation. Those agencies may also secure the full criminal record, if any, of those persons..."

HANDBOOK ENDS HERE

(B) (Continued)

Authority Cited: Sections 10553/ and 10554, ~~and~~ 16141/ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section ~~226.11~~ 226.11, Civil Code.

Reference: Section 16141/ Welfare and Institutions Code/ and Sections 226.10, 226.20, 226.23, and 226.30, Civil Code.

Amend Section 35271 to read:

35271 IDENTIFICATION OF THE APPLICANTS AND EVALUATION OF  
SPECIFIC CHARACTERISTICS

35271

(a) (Continued)

(2) (Continued)

(G) (Continued)

HANDBOOK BEGINS HERE

1. Civil Code Section ~~226.30~~ 226.30 ~~reads,~~ in ~~relevant~~  
pertinent part, reads as follows:

"...The record, if any, shall be taken into consideration when evaluating a prospective adoptive parent, and an assessment of the effects of his or her criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court..."

HANDBOOK ENDS HERE

(3) (Continued)

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section ~~226.11~~ 226.11, Civil Code.

Reference: ~~Section 10141/ Welfare and Institutions Code/ and Sections~~  
226.10, 226.20, 226.23, and 226.30, Civil Code.



Amend Section 35273 Authority and Reference Notes to read:

35273 WRITTEN NOTIFICATION OF AGENCY'S DECISION REGARDING  
PLACEMENT OF A CHILD AND GRIEVANCE REVIEW PROCEDURES  
(Continued)

35273

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and  
Institutions Code; Section 1530, Health and Safety Code; and  
Section ~~226.11~~ 226.11, Civil Code.

Reference: ~~Section 10141/ Welfare and Institutions Code/ and~~ Sections  
~~226.10, 226.20, 226.23, and 226.30,~~ 226.10, 226.20, 226.23, and 226.30, Civil Code.

Amend Section 35275 to read:

35275 REQUIREMENT FOR ASSESSMENT OF THE CHILD

35275

(a) The agency shall make a written assessment of the child as required by Civil Code Section 226.35(a).

HANDBOOK BEGINS HERE

(1) Civil Code Section 226.35(a) reads as follows:

"No agency shall place a child for adoption unless a written medical report on the child's medical background, and, if available, so far as ascertainable, the medical background of the child's biological parents, has been submitted to the prospective adoptive parents and the prospective adoptive parents have acknowledged in writing the receipt of such report."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553/ and 10554, and 16141 of the Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226.11 and 226.35(b), Civil Code.

Reference: Sections ~~2246~~ and 226.67 226.10 and 226.35, Civil Code.

Amend Sections 35277, 35279, 35281, 35283, 35285, 35287, 35289, 35291, 35293, and 35295 Authority and Reference Notes to read:

35277 DOCUMENTATION OF THE CHILD (Continued)

35277

Authority Cited: Sections 10553/ and 10554, ~~and 16141 of the~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226.11 and 226.35(b), Civil Code.

Reference: Sections ~~224s and 226/6~~ 226.10 and 226.35, Civil Code.

35279 DOCUMENTATION FROM THE FOREIGN AGENCY RESPONSIBLE  
FOR THE CHILD (Continued)

35279

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~224s and 226/6~~ 226.10 and 226.35, Civil Code.

35281 DOCUMENTATION OF UNAVAILABILITY OF INFORMATION (Continued)

35281

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~224s and 226/6~~ 226.10 and 226.35, Civil Code.

35283 CONTENT OF ASSESSMENT (Continued)

35283

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~224s and 226/6~~ 226.10 and 226.35, Civil Code.

35285 COMPLETION OF PSYCHOLOGICAL AND MEDICAL HISTORY FORM  
(Continued)

35285

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~224s and 226/6~~ 226.10 and 226.35, Civil Code.

35287 SUBMISSION AND DISCUSSION OF WRITTEN ASSESSMENT (Continued)

35287

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~224s and 226/6~~ 226.10, 226.20, 226.23, and 226.35, Civil Code.

35289 WRITTEN INFORMATION ON THE CHILD'S BIRTH PARENTS (Continued)

35289

Authority Cited: Sections 1553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~224s and 226/6~~ 226.10 and 226.35, Civil Code.

35291 INFORMATION ON THE BIRTH PARENTS FROM THE FOREIGN AGENCY  
(Continued)

35291

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~224s~~ 226.10 and 226.35, Civil Code.

Authority Cited: Sections 10553/ and 10554, ~~and 10141~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~224~~ 226.10 and 226.35, Civil Code.

Amend Section 35295 to read:

35295 SUBMISSION AND ACKNOWLEDGMENT OF NONIDENTIFYING INFORMATION 35295

- (a) The agency shall submit the nonidentifying information regarding the birth parents to the prospective adoptive parent 30 days prior to placement of the child in the home. (Continued)

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: ~~Section 16141/ Welfare and Institutions Code and Sections 2248 and 22616~~ 226.10, 226.20, 226.23, and 226.35, Civil Code.

Amend Section 35297 to read:

35297 PROCEDURES FOR ADOPTIONS TO BE COMPLETED IN CALIFORNIA

35297

(a) (Continued)

(5) (Continued)

(A) (Continued)

1. If the agency enters into an agreement with the prospective adoptive parent to share or transfer financial responsibility for the child, as permitted by ~~Welfare and Institutions~~ Civil Code Section ~~16143/1~~ 226.27, the placement agreement shall include the nature of the responsibility assumed by the prospective adoptive parent, the duration of that responsibility and the effective date.

HANDBOOK BEGINS HERE

- (i) ~~Welfare and Institutions~~ Civil Code Section ~~16143/1~~ 226.27 reads as follows:

~~"Welfare and Institutions Code Section 16143/1/~~  
Nothing in this article shall be construed to prohibit the licensed adoption agency from entering into an agreement with the prospective adoptive parents to share or transfer financial responsibility for the child."

(B) (Continued)

- (N) That ~~Welfare and Institutions~~ Civil Code Section ~~16144~~ 226.50 requires that as a condition of placement the prospective adoptive parent shall file a petition to adopt the child under Section 226.52 of the Civil Code within thirty (30) days of placement.

(6) (Continued)

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~16141~~ 226.10, 226.20, 226.21, 226.27, 226.40, and 226.50, Welfare and Institutions Civil Code.

Amend Sections 35299, 35301, 35305, 35307, 35309, 35311, and 35313 Authority and Reference Notes to read:

35299 REQUIREMENT FOR SUPERVISION OF THE ADOPTIVE PLACEMENT 35299  
(Continued)

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Section ~~18141~~ 226.10, Welfare and Institutions Civil Code.

35301 COMMENCEMENT AND TERMINATION OF SUPERVISION (Continued) 35301

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Section ~~16141~~ 226.10, ~~Welfare and Institutions~~ Civil Code.

35303	EXCEPTIONS TO THE DURATION OF THE SUPERVISORY PERIOD (Continued)	35303
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Authority Cited: Sections 10553/ and 10554, and ~~18141~~/ Welfare and Institutions Code; Section 1530, Health and Safety Code.

Reference: Section ~~16141~~ 226.10, ~~Welfare and Institutions~~ Civil Code.

35305 SERVICES DURING THE SUPERVISORY PERIOD (Continued) 35305

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Section ~~16141~~ 226.10, ~~Welfare and Institutions~~ Civil Code.



35307 HOME INTERVIEW DURING SUPERVISORY PERIOD (Continued)

35307

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Section ~~10141~~ 226.10, Welfare and Institutions Civil Code.

35309 ADDITIONAL INTERVIEWS DURING SUPERVISORY PERIOD (Continued)

35309

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Section ~~10141~~ 226.10, Welfare and Institutions Civil Code.

35311 WRITTEN EVALUATION OF THE ADOPTIVE PLACEMENT (Continued)

35311

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Section ~~10141~~ 226.10, Welfare and Institutions Civil Code.

35313 SUBMISSION OF COURT REPORT (Continued)

35313

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 226.11, Civil Code.

Reference: Sections ~~10141~~ 226.10, 226.57, and 226.59, Welfare and Institutions Civil Code.

Amend Section 35315 to read:

35315     CONTENT OF THE COURT REPORT

35315

(a) (Continued)

(3) (Continued)

(A) (Continued)

1. (Continued)

HANDBOOK BEGINS HERE

(i) Article 3, Section 35271(a)(2)(G)1. contains the relevant part of Civil Code Section ~~226.55~~ 226.30.

HANDBOOK ENDS HERE

(2) (Continued)

Authority Cited: Sections 10553/ and 10554, ~~and 16141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section ~~226.55~~ 226.11, Civil Code.

Reference: ~~Section 16141/ Welfare and Institutions Code/ and~~ Sections 226.10, 226.20, 226.23, 226.30, 226.35, 226.57, and 226.59, Civil Code.

Amend Sections 35317 and 35319 Authority and Reference Notes to read:

35317 INFORMATION TO BE EXCLUDED FROM COURT REPORT (Continued) 35317

Authority Cited: Sections 10553/ and 10554, ~~and 18141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code, and Section 226.11, Civil Code.

Reference: Sections ~~18141~~ 226.10, 226.35, 226.57, and 226.59, ~~Welfare and Institutions~~ Civil Code.

35319 IMMEDIATE FILING OF COURT REPORT (Continued) 35319

Authority Cited: Sections 10553/ and 10554, ~~and 18141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code, and Section 226.11, Civil Code.

Reference: Sections ~~18141~~ 226.10 and 226.57, ~~Welfare and Institutions~~ Civil Code.

Amend Section 35321 to read:

35321      CONTENT OF CIVIL CODE SECTION 2264.66

35321

HANDBOOK BEGINS HERE

Civil Code Section 2264.66 reads as follows:

"CIVIL CODE SECTION 228C: Removal of child from petitioner's home/ commitment/ duties of agency/ At the hearing, if the court sustains the recommendation that the child be removed from the home of petitioners because the licensed adoption agency has recommended denial or the petitioners desire to withdraw the petition or the court dismisses the petition and does not return him or her to his or her parents, the court shall commit the child to the care of the State Department of Social Services/ the licensed county adoption agency/ or/ in the case of an intercounty adoption/ the private adoption agency licensed to provide intercounty adoption services/ whichever agency made the recommendation/ for that agency to arrange adoptive placement or to make a suitable plan. In those counties not covered by a licensed county adoption agency/ the county welfare department shall act as the agent of the State Department of Social Services and shall provide care for the child in accordance with rules and regulations established by the department/."

HANDBOOK ENDS HERE

Amend Section 35323 Authority and Reference Notes to read:

35323 AVAILABILITY OF COURT REPORT (Continued)

35323

Authority Cited: Sections 10553/ and 10554, ~~and 10141/~~ Welfare and Institutions Code; Section 1530, Health and Safety Code, and Section 226.11, Civil Code.

Reference: Sections ~~10141~~ 226.10, 226.57, and 226.59, Welfare and Institutions ~~10141~~ Civil Code.

Amend Section 35325 to read:

35325 AAP ELIGIBILITY

35325

(a) (Continued)

HANDBOOK BEGINS HERE

(1) (Continued)

(~~A~~a) (Continued)

(~~B~~b) (Continued)

(~~C~~c) (Continued)

(~~D~~d) (Continued)

(~~E~~e) The child has been either relinquished for adoption to a California agency or freed for adoption through termination of parental rights by a California court, or committed to the department pursuant to ~~subdivision (d) of~~ Section ~~226~~ 224.37 or 226.66 of the Civil Code."

(2) (Continued)

(A) (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code.

Reference: Sections 16118, 16119, and 16120, Welfare and Institutions Code; and 42 U.S.C. 671 and 673.

Amend Section 35357 to read:

35357 BACKGROUND INFORMATION TO DETERMINE THE APPLICABILITY  
OF THE ICWA .

35357

(a) (Continued)

(2) (Continued)

HANDBOOK BEGINS HERE

(A) 25 U.S.C. 1903(4) can be found at Section 35000~~(e)(i)~~ (5) (A).

(B) (Continued)

(C) Civil Code Section ~~224d~~ 221.80 reads as follows:

"~~Civil Code Section 224d~~ The ~~State Department of Social Services~~ shall adopt such rules and regulations as it determines are reasonably necessary to assure that a birth parent or parents of Indian ancestry, seeking to relinquish a child for adoption, provide sufficient information to the department or to the licensed adoption agency of to the State Department of Social Services so that a certificate of degree of Indian blood can be obtained from the Bureau of Indian Affairs. The ~~State Department of Social Services~~ shall immediately request a certificate of degree of Indian blood from the Bureau of Indian Affairs upon obtaining the information. A copy of all documents pertaining to the degree of Indian blood and tribal enrollment, including a copy of the certificate of degree of Indian blood, shall become a permanent record in the adoption files and shall be housed in a central location and made available to authorized personnel from the Bureau of Indian Affairs when required to determine the adoptee's eligibility to receive services or benefits because of the adoptee's person's status as an Indian. This information shall be made available to the adopted person upon reaching the age of majority."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 221.80, Civil Code.

Reference: Section ~~224d~~ 221.80 ~~25 USC 1923(4)~~, Civil Code; and 25 U.S.C. 1923(4).

Amend Section 35359, 35361, 35363 and 35365 Authority and Reference Notes to read:

35359 USE OF THE AD4311 (INFORMATION ON THE AMERICAN INDIAN CHILD) 35359

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and ~~224a~~ 221.80, Civil Code.

Reference: Section ~~224(a)~~ 221.80, Civil Code.

35361 SUBMISSION OF THE AD4311 TO THE DEPARTMENT (Continued) 35361

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and  
Section ~~224.4~~ 221.80, Civil Code.

Reference: Section ~~224(a)~~ 221.80, Civil Code and ~~245~~ U.S.C. 1903(4).

35363 PROCEDURES FOR CHILDREN WHO MEET THE DEFINITION OF 35363  
AN INDIAN CHILD (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and  
Section 221.80, Civil Code.

Reference: Section ~~224(a)~~ 221.80, Civil Code.

35365 BACKGROUND INFORMATION ON A CHILD SUBJECT TO THE ICWA 35365  
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and  
Section 221.80, Civil Code.

Reference: Section ~~224(d)~~ 221.80, Civil Code.



Amend Section 35367 to read:

35367 INFORMATION TO THE PARENTS

35367

(a) The agency shall inform the parents of a child with Indian heritage that:

- (1) The provisions of the ICWA shall apply if at least one parent is a member of an Indian tribe as defined at Section 35000/~~jj~~(i)(7) and the child is an Indian child as defined at Section 35000/~~ee~~(i)(5).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: ~~Section~~ 25 U.S.C. 1901 et seq.

Amend Section 35369 to read:

35369 PROVISIONS OF THE ICWA

35369

(a) (Continued)

(1) (Continued)

- (D) That upon request the department will make available to authorized personnel from the Bureau of Indian Affairs and the adopted child who has reached age 18 information as specified in Civil Code Section ~~224d~~ 221.80.

HANDBOOK BEGINS HERE

1. The content of Civil Code Section ~~224d~~ 221.80 is found at Section 35357(a)(2)(C).

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: *Section 16119/ Welfare and Institutions Code/ and Section 25 U.S.C. 1901 et seq.*

Amend Section 35371 to read:

35371 PROVISIONS FOR SETTING ASIDE THE ADOPTION AND  
WITHDRAWING CONSENT

35371

(a) (Continued)

HANDBOOK BEGINS HERE

(1) (Continued)

(2) Civil Code Section ~~227d~~ 228.15 reads ~~in pertinent part~~:

~~"Civil Code Section 227d/~~ Any action or proceeding of any kind whatsoever to vacate, set aside, or otherwise nullify a decree or order of adoption on the ground of any defect or irregularity of procedure in the adoption proceeding must be commenced within three years after entry of the decree or order. Any action or proceeding of any kind whatsoever to vacate, set aside, or otherwise nullify a decree or order of adoption on any ground other than a defect or irregularity of procedure must be commenced within five years after entry of the decree or order."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section ~~227d~~ 228.15, Civil Code; and ~~section~~ 25 U.S.C. 1913(d) ~~and~~.

Amend Section 35373 Reference Note to read:

35373    INVALIDATION OF PROCEDURES TO TERMINATE PARENTAL  
         RIGHTS (Continued)

35373

Reference:        Section ~~227/d~~ 228.15, Civil Code; and 25 U.S.C. 1911,  
                  1912(a), 1913(a), 1913(c), 1913(d), 1914, 1915(a), 1916,  
                  1917, and 1951/ ~~and~~.

Amend Section 35379 to read:

35379 INFORMATION TO APPLICANT PRIOR TO PLACEMENT OF AN INDIAN CHILD 35379  
FOR ADOPTION

(a) (Continued)

(2) (Continued)

(B) The content of Civil Code Section 227d 228.15 reads in pertinent part/ is located at Section 35371(a)(2).

*Civil Code Section 227d/ Any action or proceeding of any kind whatsoever to vacate, set aside, or otherwise nullify a decree of adoption on the ground of any defect or irregularity of procedure in the adoption proceeding must be commenced within three years after entry of the decree/ Any action or proceeding of any kind whatsoever to vacate, set aside, or otherwise nullify a decree of adoption on any ground other than a defect or irregularity of procedure must be commenced within five years after entry of the decree/*

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 227d 228.15, Civil Code; and 25 U.S.C. Section 1913(c) and.

Amend Section 35385 to read:

35385 PROCEDURES FOR TRANSMISSION OF INFORMATION TO THE ADOPTEE 35385

(a) (Continued)

- (3) Inform the adoptee that if he/she desires additional identifying information,, he/she may petition the Superior Court pursuant to Civil Code Section ~~227~~ 229.10 and Health and Safety Code Section 10439.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and  
Section 221.80, Civil Code.

Reference: Section ~~224~~ 221.80, Civil Code.

Amend Section 35387 Authority and Reference Notes to read:

35387 TRANSMISSION OF INFORMATION AND DOCUMENTATION REQUESTED  
BY THE DEPARTMENT (Continued)

35387

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and  
Section 221.80, Civil Code.

Reference: Section ~~224~~ 221.80, Civil Code.

## STATEMENT OF REASONS

a) Description of the Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulations Are Intended to Address

Existing State Department of Social Services (SDSS) regulations contain provisions relating to adoption procedures and contain references to related code sections in the Civil Code and Welfare and Institutions Code. Assembly Bill (AB) 3532, Chapter 1363, Statutes of 1990, rearranged and renumbered these related code sections making obsolete all such referenced citations in the SDSS regulations. This Section 100 filing will correct these citations in the regulatory text and the "authority" and "reference" notes to provide manual users with up-to-date legal references and citations. Other changes without regulatory effect include the following:

Revisions to the definitions section will reference the recodified Civil Code sections containing the current definitions for terms used in the Adoptions Regulations. The actual Civil Code citations are then provided in handbook to assist manual users.

The proposed revisions will also update the priority placement requirements by referencing the Civil Code section containing such requirements and will clarify, for purposes of priority placement exceptions, the differences among children not adjudged dependents of the court, children adjudged dependents of the court prior to January 1, 1989, and children adjudged dependents of the court on January 1, 1989 and after.

AB 548, Chapter 1581, Statutes of 1990, mandates agencies to use all appropriate resources in conducting their diligent search within a specified time frame for families that match the child to be adopted and to document such searches. These proposed revisions will add the Civil Code sections by reference and handbook citation.

A reference is being placed as handbook at the beginning of each specific adoption process step of both Independent and Agency Adoptions sections to ensure that agencies are aware of the requirement for researching Indian Child Welfare Act (ICWA) applicability in each Adoptions Program. The current reference citation which is in the middle of the Agency Adoptions section is being repealed to eliminate duplication and confusion.



In addition, changes are being made to correct typographical and formatting errors and to delete dual statutory references.

The revisions described above constitute nonsubstantive changes without regulatory effect.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Numerous sections in this package contain revisions to Authority and/or Reference citations only. There is no Specific Purpose or Factual Basis provided for these revisions as they are merely revisions to the numbering of the California Civil Code. In addition, dual references to statutes were removed throughout the handbook sections and are not addressed in the specific purpose and factual bases. These are technical, nonsubstantive changes.

Section 35000(a)(5) through Handbook Subsection (a)(5)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Adoptive Parent," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363, Statutes of 1990, AB 3532 (hereafter referred to as Chapter 1363) at Section 220.20(a). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Adoptive Parent", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the California Code of Regulations (CCR), Title 22, Division 2, Chapter 3, Adoptions Regulations (hereafter referred to as Adoptions Regulations). In addition, there are many types of parents in the adoptions arena; e.g., adoptive, birth, and prospective adoptive. Without this definition and actual Civil Code citation in handbook, there would be confusion as to what type of parent is under discussion.

Section 35000(a)(7) through Handbook Subsection (a)(7)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Agency Adoption," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(b). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Agency Adoption", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the Adoptions Regulations. There are several "types" of adoption in the adoptions arena; e.g., agency, independent, intercountry, stepparent and adult. Without this definition and actual Civil Code citation in handbook, there could be confusion as to what type of adoption is under discussion.

Section 35000(a)(9) through Handbook Subsection (a)(9)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Applicant," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(c). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Applicant", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the Adoptions Regulations. In addition, there are many players in the adoptions arena; e.g., someone who has contacted the agency to discuss adoption, someone who has taken the next step and completed and submitted a written application, prospective adoptive parent, birth parent and adoptive parent. The definition of

applicant is very narrow as it means someone who has submitted a written application to adopt a child and is being considered for the adoptive placement of a child. This individual is very different from someone who has just contacted an adoption agency and inquired about adoption. Without this definition and actual Civil Code citation in handbook, there would be confusion as to what individual is under discussion.

Section 35000(b)(1) through Handbook Subsection (b)(1)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Birth Parent," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(d). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Birth Parent", therefore, it must use this one. See Factual Basis at 35000(a)(5) through Handbook Subsection (5)(A).

Section 35000(c)(4) through Handbook Subsection (c)(4)(B)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Child," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(e). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Child", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the Adoptions Regulations. In addition, this revision includes a format change for the definition of "Child" under the Intercountry Adoptions Program which was done for clarity. Generally speaking, California residents can adopt a child who was born in the United States and who is under 18 years of age. However, under the Intercountry Adoptions Program there is an age

limit of 16 years of age set by federal law for the foreign-born child who is to be adopted. Without this definition, and actual Civil Code citation in handbook and reformatting there would be confusion as to the age limits of the person to be adopted.

Section 35000(d)(2) through Handbook Subsection (d)(2)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Delegated County Adoption Agency," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(f). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Delegated County Adoption Agency", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the Adoptions Regulations. In addition, California adoption agencies are licensed to provide specific types of adoption services; i.e., relinquishment, independent or intercountry. Adoption agencies are also either public or private. Private adoption agencies are not licensed to provide independent adoption services. In addition, not all county adoption agencies provide independent adoption services; there are only five counties that are licensed to provide them. This definition is necessary to distinguish between those county adoption agencies that are licensed to provide independent adoption services; i.e., delegated county adoption agency, and those that are not.

Section 35000(d)(2) Renumbered to (d)(3) through Handbook Subsection (d)(3)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Department," to renumber the section to accommodate the addition of a new section, and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(g). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Department", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the Adoptions Regulations. The actual wording of the definition has not changed. The renumbering is a technical, nonsubstantive change.

Section 35000(d)(3) Renumbered to 35000(d)(4)

Specific Purpose:

The specific purpose of this revision is to renumber (d)(3) to (d)(4) as a result of the addition of the definition for "Delegated County Adoption Agency."

Factual Basis:

This is a technical, nonsubstantive change.

Section 35000(f)(8) through Handbook Subsection (f)(8)(B)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Full-Service Adoption Agency," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(h). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Full-Service Adoption Agency", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the Adoptions Regulations. In addition, this definition is needed to inform the user of a "type" of service category that adoption agencies provide. California adoption agencies are either full-service or noncustodial adoption agencies. A major difference between

the two is that full-service agencies assume care, custody and control of the child through relinquishment or involuntary termination of parental rights and noncustodial agencies work with children who are under the care, custody and control of another adoption agency. Another difference is a noncustodial agency cannot disrupt an adoptive placement and remove the child; the full-service agency can. The services these agencies provide are very different. It is necessary for users to recognize the difference. The handbook subsection also provides the user with the Adoptions Regulations citation where the services pursuant to Civil Code Section 224.50 are actually located. Without this definition and actual Civil Code citation in handbook, there would be confusion as to what "type" of services the agency is licensed to provide.

Section 35000(f)(8) Renumbered to (f)(9)

Specific Purpose:

The specific purpose of this revision is to renumber (f)(8) to (f)(9) as the result of the addition of a definition for "full-service adoption agency."

Factual Basis:

This is a technical, nonsubstantive change.

Section 35000(i)(1) through Handbook Subsection (i)(1)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Independent Adoption," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(i). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Independent Adoption", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the Adoptions Regulations. In addition, there are several "types" of adoption processes in California; e.g., independent, agency, intercountry, stepparent or adult. Without this definition and actual

Civil Code citation in handbook, there would be confusion as to what type of adoptions process was under discussion. Chapter 1363 also rearranged the definitions pertaining to California's Adoptions Programs. (See Factual Basis for "Place for Adoption", "Personal Knowledge" and "Prospective Adoptive Parent".) The revision to the handbook citation is needed to reflect this rearrangement.

Section 35000(i)(2)

Specific Purpose:

The specific purpose of this revision is to correct the Civil Code citation.

Factual Basis:

This is a technical, nonsubstantive change.

Section 35000(i)(12) through Handbook Subsection (i)(12)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Intercountry Adoption," to revise the Welfare and Institutions Code citation to the Civil Code citation, and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(j). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Intercountry Adoption", therefore, it must use this one. Added to the Civil Code in the recodification of laws were those sections in the Welfare and Institutions Code that pertained to the Intercountry Adoptions Program. These sections were then repealed from the Welfare and Institutions Code. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the Adoptions Regulations. In addition, there are several "types" of adoptions processes in California; e.g. independent, agency, intercountry, stepparent and adult. Without this definition and actual Civil Code citation in handbook, there would be confusion as to what type of adoption was under discussion.

Section 35000(1)(1) through Handbook Subsection (1)(1)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Licensed Adoption Agency," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(k). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Licensed Adoption Agency", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the Adoptions Regulations. In addition, to provide adoption services in California an agency must be licensed by the department. Without this definition and actual Civil Code citation in handbook, there would be confusion as to what "organization" is permitted under law to provide adoption services in California.

Section 35000(n)(1) through Handbook Subsection (n)(1)(B)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Noncustodial Adoption Agency," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(l). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Noncustodial Adoption Agency", therefore, it must use this one. See Factual Basis at Section 35000(f)(8) through Handbook Subsection (f)(8)(B).

Section 35000(n)(1) Renumbered to (n)(2)

Specific Purpose:

The specific purpose of this revision is to renumber (n)(1) to (n)(2) due to the addition of a definition for "noncustodial adoption agency."



Factual Basis:

This is a technical, nonsubstantive change.

Section 35000(p)(4) through Handbook Subsection (p)(4)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Personal Knowledge," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(m). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Personal Knowledge", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in Adoptions Regulations. In addition, in order to place their child independently, birth parents must know specific information about the persons they have chosen to be adoptive parents. This helps to ensure that the birth parents have actually made the placement as opposed to an attorney or someone else. Statute is very specific as to who can make an adoptive placement. Who makes the adoptive placement is also a major difference between the Independent Adoptions Program and the Agency Adoptions Program. It is very important that the worker who interviews the birth parents is aware that there is certain, specific information the birth parent must know about the prospective adoptive parents. Without this knowledge, the legality of the placement could be in question. This definition and actual Civil Code citation in handbook is necessary to ensure the user is aware of the requirement for personal knowledge and what specific information the birth parents must know about the prospective adoptive parents.

Section 35000(p)(5) through Handbook Subsection (p)(5)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Petitioner," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(n). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Petitioner", therefore, it must use this one. See Factual Basis at Section 35000(a)(5) through Handbook Subsection (a)(5)(A).

Section 35000(p)(6) through Handbook Subsection (p)(6)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Place for Adoption," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(o). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Place for Adoption", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the Adoptions Regulations. In addition, these regulations are necessary to inform the user that in the Independent Adoptions Program, place for adoption means the selection of adoptive parent(s) for a child by his/her birth parent(s). While there are several adoptions programs; i.e., Independent, Agency, Intercountry, Stepparent and Adult, this term is used specifically in the Independent Adoptions Program. One of the major differences between the independent process and all other adoption processes is in the independent process the birth parents personally select the adoptive parents and place the child with them. Without this definition and actual Civil Code citation in handbook, there would be confusion as to what adoptions program was under discussion.

Section 35000(p)(4) Renumbered to (p)(7) through Handbook Subsection (p)(7)(A)

Specific Purpose:

The specific purpose of these revisions is to renumber (p)(4) to (p)(7) as the result of the addition of definitions for "Personal Knowledge," "Petitioner" and "Place For Adoption."

It is also to revise the language contained in the handbook subsection to make it consistent with similar handbook references in the regulations.

Factual Basis:

This is a technical, nonsubstantive change.

Section 35000(p)(5) Renumbered to (p)(8) through Handbook Subsection (p)(8)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Prospective Adoptive Parent," and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(p). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Prospective Adoptive Parent", therefore, it must use this one. See Factual Basis at Section 35000(a)(5) through Handbook Subsection (5)(A).

Section 35000(r)(2)

Specific Purpose:

The specific purpose of this revision is to correct a spelling error.

Factual Basis:

This is a technical, nonsubstantive change.

Subsection 35000(s)(4) through Handbook Subsection (s)(4)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section which contains the definition of the term, "Special Needs Child," to revise the Welfare and Institutions Code citation to the Civil Code citation, and to provide the definition in handbook.

Factual Basis:

This definition was added to the Civil Code by Chapter 1363 at Section 220.20(q). Since this definition is clearly stated in the Civil Code, the department does not have the option of developing its own definition for "Special Needs Child", therefore, it must use this one. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this definition in an easily accessible source. The format of these regulations is also consistent with the format of other definitions currently contained in the Adoptions Regulations. In addition, the family that will adopt a child who meets this definition is entitled to special monetary assistance. Agencies must be able to determine whether or not the child they are working with falls under this criteria. Without this definition and actual Civil Code citation in handbook, there would be confusion as to whether or not the child in question is eligible for special financial assistance. This could mean the family would not be informed of the availability of the assistance and, therefore, not adopt the child.

Section 35009(a)(1)

Specific Purpose:

The specific purpose of this revision is to correct a typographical error.

Factual Basis:

This is a technical, nonsubstantive change.

Section 35011(a)(1) through Handbook Subsection (a)(1)(A)

Specific Purpose:

The specific purpose of this revision is to reference the Civil Code section that makes provisions for the agency to follow specific requirements when recruiting adoptive applicants, to indicate in handbook the location of the Civil Code citation and to renumber the existing regulation.

Factual Basis:

Agencies are required to place children in homes that most nearly match the child's identified racial, ethnic, cultural or religious background. Chapter 1581, Statutes of 1990, AB 548 (hereafter referred to as Chapter 1581), requires agencies to maintain records on the placement of each child to show that a diligent search has been made for families

that most nearly match the child. In addition, it mandates the department to develop search rules for agencies to follow and indicates specific resources the agency is to contact. Since this requirement is clearly stated in the Civil Code, the department does not have the option of not including it in its Adoptions Regulations or to change it in any way. Adoption agencies do not have Civil Codes for all staff. Indicating in handbook where the actual Civil Code citation is located gives the user access to the information needed to do a search meeting the requirements of law. Without these regulations with the location of the actual Civil Code citation in handbook the agency would be confused as to what is actually required. The renumbering of (a)(1) to (a)(2) is necessary because of the addition of this regulation. These are technical, nonsubstantive changes.

#### Sections 35015(a) and (a)(5)

##### Specific Purpose:

The specific purpose of these revisions is to inform the user of the additional requirement for agencies to contact parent groups regarding specific children when they are seeking families for children who have been freed for adoption. It also indicates the time frame in which the agency has to seek a matching family.

##### Factual Basis:

Chapter 1581 at Civil Code 222.37 requires the department to adopt diligent search rules for agencies to follow. It also indicates a specified time frame in which to conduct the search. Current Adoptions Regulations already indicate all but one of the requirements of Civil Code 222.37 at 35015(a)(1) through (4). However, the time frame the agency has in which to conduct the search is six months. This revision is needed to add the one requirement listed at Civil Code 222.37 not currently indicated in regulation and to change the time frame to three months so that the Adoptions Regulations will reflect the correct statute requirements. This additional requirement and time frame is clearly stated in the Civil Code. The department does not have the option of not including it in its Adoptions Regulations or to change it in any way.

#### Handbook Subsection 35021(a)(1) at 89152(b)

##### Specific Purpose:

The specific purpose of this handbook subsection revision is to correct a typographical error by removing the inappropriately placed term, "Handbook Ends Here," and to update the language of Section 89152(b) to add an optional personnel requirement.

Factual Basis:

This handbook subsection informs the agency of the specific content of the California Code of Regulations (CCR) sections which delineate the department's personnel requirements for the licensure of adoption agencies. Since the printing of Adoptions Regulations, a number (3) at Section 89152(b) has been added to the personnel requirements. Without this revision this handbook material would not be current and the agency would not know of an optional requirement for their social work staff.

In addition, a typographical error is corrected by deleting the phrase, "Handbook Ends Here," after Section 35021(a)(1). This is a technical, nonsubstantive change.

Handbook Subsection 35021(a)(1) at 89155(e)

Specific Purpose:

The specific purpose of this handbook subsection revision is to update the language of Section 89155(e) to add an additional optional personnel requirement.

Factual Basis:

This handbook subsection informs the agency of the specific content of the CCR sections which delineates the department's personnel requirements for the licensure of adoption agencies. Since the printing of the Adoptions Regulations, another additional optional requirement at (e) at Section 89155 has been added to the personnel requirements. Without this revision this handbook material would not be current and the agency would not know of an additional optional requirement for their social work staff.

Handbook Subsection 35021(a)(1) at 89161(a)(5)

Specific Purpose:

The Specific Purpose of this revision is to correct a typographical error.

Factual Basis:

The phrase, "Handbook Ends Here" is added after 89161(a)(5). This is a technical, nonsubstantive change.

## Section 35023(a)

### Specific Purpose:

The specific purpose of this revision is to relocate to Section 35023(a)(1) the requirement currently located 35023(a)(6)(A) which requires the obtaining of additional information of birth parents because of Indian Ancestry. It also renumbers the remaining sections as a result of the relocation.

### Factual Basis:

The relocation of this regulation will alert the user of the need to obtain additional information from the birth parents because of Indian ancestry at the beginning of the process rather than at the end. Without this relocation the agency could overlook the requirement. This would make the subsequent adoption subject to legal challenge. The renumbering of the remaining regulations and the deletion of (a)(6)(A) is necessary because of the relocation of (a)(6)(A) to (a)(1). The phrase, "Handbook Ends Here," is added after renumbered (a)(2) and deleted after renumbered (a)(5). This is a typographical error. These are technical, nonsubstantive changes.

Renumbered Sections 35023(a)(8) [renumbered from (a)(7)], and (a)(8)(A) through Handbook Subsection (8)(C)

### Specific Purpose:

The specific purpose of these revisions is to update the Civil Code reference in (a)(8) and handbook subsection (a)(8)(A) from Section 224s(a) to the new citations. The revisions also add subsections (B) and (C) to handbook to refer the user to the location of Civil Code citations for Civil Code Sections 224.70(a) and 226.35(a). In addition, the word, "relevant," is now inappropriate and is therefore being deleted.

### Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. This section in the Adoptions Regulations is a general one that applies to all "types" of adoptions. The previous Civil Code citation of 224s(a) is now located at 222.26(a), 224.70(a) and 226.35(a) depending upon the adoptions program; i.e., Agency, Independent or Intercountry. As the requirement for obtaining medical background information on the birth parent is a requirement for all three programs, a reference to only 222.26(a) would not be correct. Without the additional references to Civil

Code Sections 224.70(a) and 226.35(a) the user would not know that this medical background information is also required in the Independent and Intercountry Adoptions Programs. These changes make this subsection clearer and have been made for that reason.

Renumbered Section 35023(a)(10)

Specific Purpose:

The specific purpose of this revision is to update the Adoptions Regulations citation from Section 35023(a)(7) to (a)(8).

Factual Basis:

The Adoptions Regulations citation is updated due to the renumbering in that section. This is a technical, nonsubstantive change.

Section 35029

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the Indian Child Welfare Act (ICWA), to renumber the remaining regulations and to update Civil Code references.

Factual Basis:

The addition of a handbook subsection at Section 35029(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of freeing the child under the Independent Adoptions Program. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulations have been renumbered. In addition, Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code references in renumbered Section 35029(c)(1) and (d) have been revised. These are technical, nonsubstantive changes.



## Section 35031

### Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA, to renumber the remaining regulations, to update citations at renumbered Section 35031(c)(1) and (2) and to correct a typographical error at renumbered (c)(2).

### Factual Basis:

The addition of a handbook subsection at Section 35031(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of freeing the child under the Agency Adoptions Program. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulations have been renumbered. In addition, there is renumbering of the Adoptions Regulations citation at renumbered Section 35031(c)(1) and (2) due to renumbering in those citations and a correction of a typographical error at (c)(2) to correct a citation from Section 35031(a)(1)(c) to 35031(b)(1)(C). These are technical, nonsubstantive change.

## Section 35037(a)

### Specific Purpose:

The specific purpose of this revision is to correct a typographical error and to revise the Civil Code citations.

### Factual Basis:

This section refers the user to Title 22, "California Administrative Code" (CAC) which was renamed "California Code of Regulations" (CCR). When the Adoptions Regulations were initially approved this reference was not changed. This is a technical, nonsubstantive change.

Chapter 1363 recodified all adoption laws and organized them into program specific areas. This section in the Adoptions Regulations is a general one that applies to all "types" of adoptions. The previous Civil Code citation of 224t is now located at 229.40 and 225p is now located at 222.72, 224.47 and 226.28 depending upon the adoptions program; i.e.,

Agency, Independent, or Intercountry. As the fee is a requirement of all programs, a reference to only one would not be correct. Without this revision the user would not know that fees can be required in all adoptions programs. These changes make the subsection clearer and have been made for that reason.

Handbook Subsections 35037(a)(1) through (3)

Specific Purpose:

See Specific Purpose at Section 35037(a).

Factual Basis:

This section refers the user to Title 22, "CAC" which was renamed "CCR". When the Adoptions Regulations were initially approved these references were not changed. In addition, Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code references in Section 35037(a)(2) and (3) have been revised to reflect this change. These are technical, nonsubstantive changes.

Handbook Subsections 35037(a)(4) through (a)(4)(B)

Specific Purpose:

The specific purpose of these handbook subsections is to alert the user to the fee requirement in the Independent Adoptions Program.

Factual Basis:

Civil Code Section 224.47 requires the petitioner to pay \$500 to the department or delegated county adoption agency for those petitions filed on or after September 1, 1989; the fee must be paid prior to the filing of a favorable report to the court and the fee may be deferred, waived or reduced in specified circumstance. Without this information the user would not know that a fee is required for those petitions filed on or after September 1, 1989, when it is to be paid and that it may be deferred, waived or reduced.

Handbook Subsection 35037(a)(5)

Specific Purpose:

The specific purpose of this handbook subsection is to alert the user to the Adoptions Regulations section on fee requirements for agencies licensed to provide intercountry adoption services.

Factual Basis:

Civil Code Section 226.28 requires the costs incurred by agencies providing intercountry adoption services are to be funded by a fee charged by those agencies. Without this handbook subsection referring the user to the appropriate section in the Adoptions Regulations the user would not know that the agency licensed to provide intercountry adoptions services is permitted to charge a fee.

Handbook Subsections 35037(b)(1) through (b)(2)

Specific Purpose:

The specific purpose of these revisions is to revise the Civil Code citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code references have been revised. These are technical, nonsubstantive changes.

Sections 35039(a) and (b)

Specific Purpose:

The specific purpose of these revisions is to correct typographical errors and to add clarifying language.

Factual Basis:

When these sections were initially approved they referred to the Manual of Policies and Procedures and Title 22, CAC, which are incorrect titles. Both references should have been to the CCR. Language was added to clarify and make both regulations consistent. These are technical, nonsubstantive changes.

Section 35045(a) through Handbook Subsection (a)(2)

Specific Purpose:

The specific purpose of these revisions is to correct typographical errors.

Factual Basis:

When these regulations were initially approved they referred to Title 22, CAC, which is an incorrect title. The reference should have been to the CCR. In addition, the heading, "Handbook Ends Here," was misplaced and an incorrect section number, 35045(c), was printed. These are being corrected and are technical, nonsubstantive changes.

Handbook Subsection 35045(a)(2)(B)

Specific Purpose:

The specific purpose of this revision is to correct a typographical error. "Handbook Ends Here" is being moved to the correct location, after correctly numbered Section 35045(b).

Factual Basis:

When this section was initially approved, the phrase, "Handbook Ends Here," was incorrectly placed after Section 35045(a)(2)(B)6.. This is a technical, nonsubstantive change.

Handbook Subsection 35045(c) Renumbered to (b)

Specific Purpose:

The specific purpose of this revision is to correct a typographical error; Section 35045(c) is corrected to Section 35045(b).

Factual Basis:

This is a technical, nonsubstantive change.

Sections 35047(a)(11) through (a)(15)

Specific Purpose:

The specific purpose of these revisions is to revise Civil Code citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code references have been revised. These are technical, nonsubstantive changes.

Handbook Subsection 35047(a)(23)(A)

Specific Purpose:

The specific purpose of these revisions is to revise the Civil Code citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code references have been revised. These are technical, nonsubstantive changes.

Section 35047(a)(24) through Handbook Subsection (a)(24)(A)

Specific Purpose:

The specific purpose of these revisions is to reference the Civil Code sections which requires that the adoptions case record must contain documentation that a diligent search was made and to provide in handbook the actual Civil Code citation.

Factual Basis:

Chapter 1581 added the requirement to Civil Code that agencies must maintain records that a diligent search was made for families that most nearly "match" the child to be adopted. This requirement is clearly stated in the Civil Code. The Department does not have the option of not including it in its Adoptions Regulations or to change it in any way. Adoption agencies do not have Civil Codes for all staff. Without this regulation and handbook subsection the user would not know that the adoptions case record must indicate the efforts the agency made in this area.

Section 35049(a)

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulations.

Factual Basis:

The addition of a handbook subsection at Section 35049(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of releasing information from the adoption case record. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulations have been renumbered. This is a technical, nonsubstantive change.

Section 35049(a)(4) Renumbered to (b)(4) through Handbook Subsection (b)(4)(B)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.

Section 35051(a) through (a)(2)

Specific Purpose:

See Specific Purpose at Section 35049(a)(4) renumbered to (b)(4) through Handbook Subsection (b)(4)(B).

Factual Basis:

See Factual Basis at Section 35049(a)(4) renumbered to (b)(4) through Handbook Subsection (b)(4)(B).

Section 35053(a)

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the subsequent regulation section.

Factual Basis:

The addition of a handbook subsection at Section 35053(a) referring the user to additional procedures that must be followed when disclosing information to the adoptee when the child is subject to the ICWA alerts the user at the beginning of the process of providing information. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulations have been renumbered. This is a technical, nonsubstantive change.

Section 35053(a) Renumbered to (b) through Handbook  
Subsection (b)(1)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.

Section 35055

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for child subject to the ICWA, to renumber the remaining regulation section, make a grammatical correction, and to update Civil Code references.

Factual Basis:

The addition of a handbook subsection at Section 35055(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts the user at the beginning of the process of disclosing information to the birth parent. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code references in renumbered Section 35055(b) and (b)(1) have been revised. A grammatical correction was also made. These are technical, nonsubstantive changes.

Section 35057(a)

Specific Purpose:

The specific purpose of these revisions is to revise the Civil Code citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. The previous citations of Civil Code 224v and 227b are now 222.15(a), 224.73(a) and 229.40(a) depending on the adoptions program; i.e., Agency or Independent. This is a technical, nonsubstantive change.

Section 35059

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

Factual Basis:

The addition of a handbook subsection at Section 35059(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of furnishing information and access to case records. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35059(a) Renumbered to (b) through Handbook Subsection (b)(1)

Specific Purpose:

The specific purpose of these revisions is to revise the Civil Code citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code references have been revised. These are technical, nonsubstantive changes.



Section 35061(a) through Handbook Subsection 35061(e)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language and to correct typographical and grammatical errors.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes. Another technical, nonsubstantive change was necessary to add the word "the" for conformity.

Section 35063(a) through Handbook Subsection (a)(5)(B)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language and to correct typographical errors.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made some minor grammatical changes to language. As a result, the Civil Code references and some language in this section have been revised. In addition, when this section was originally approved, the phrase, "Handbook Ends Here" and "Handbook Begins Here," after Section 35063(a)(1)(c) were incorrectly added because the handbook continues through (a)(2). Also, typographical errors at (a)(5), (5)(A) and (5)(B) have been corrected. These are technical, nonsubstantive changes.

Section 35065

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to number the subsequent regulation.

Factual Basis:

The addition of a handbook subsection at Section 35065(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts the user at the beginning of the process of providing services after completion of an adoption. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been numbered. This is a technical, nonsubstantive change.

Section 35079

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection at Section 35079(a) alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulations.

Factual Basis:

The addition of a handbook subsection at Section 35079(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts the user at the beginning of the Independent Adoptions process. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining Sections 35079(a) and (b) have been renumbered to (b) and (c). These are technical, nonsubstantive changes.

Section 35079(a) Renumbered to (b)

Specific Purpose:

The specific purpose of these revisions is to revise the Civil Code citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into specific program areas. As a result, the Civil Code references have been revised. These are technical, non-substantive changes.

Handbook Subsection 35079(a)(1) through (a)(8) Renumbered to (b)(1) through (b)(8)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result, the Civil Code citations and some language in this handbook subsection have been revised. Subsection (1) was revised to refer the user to another section in the Adoptions Regulations rather than duplicating the Civil Code citation. A new subsection (2) was added to refer the user to another section in the Adoptions Regulations because the previous Civil Code citation (224q) was separated into two Civil Code citations [220.20(m) and 220.20(o)] in Chapter 1363. This is consistent with the remaining Adoptions Regulations.

As a result of the addition of this new subsection, the remaining subsections are renumbered and reformatted to be in sequential order according to the cited Civil Code Section numbers. These are technical, nonsubstantive changes.

Section 35085

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulations.

Factual Basis:

The addition of a handbook subsection at Section 35085(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts the user at the beginning of the process of providing information to the petitioners in the Independent Adoptions process. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook section, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35085(a)(3) Renumbered to (b)(3) through Handbook Subsection (b)(5)(A)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language and to update an Adoptions Regulations reference.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result, the Civil Code citations and some language in these sections have been revised. In addition, the Adoptions Regulations citation in handbook subsection 35085(b)(5)(A) has been corrected to the correct citation. These are technical, nonsubstantive changes.

Handbook Subsection 35087(a)(7)(A)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.

Handbook Subsection 35089(a)(3)(A)1.

Specific Purpose:

The specific purpose of this revision is to correct typographical errors and to revise the Civil Code citation.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citation in this subsection has been revised. In addition two typographical errors have been corrected by adding quotation marks and appropriate ellipses. These are technical, nonsubstantive changes.

Handbook Subsections 35093(a)(3)(A) through (a)(3)(B).

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citation and to provide in handbook the actual Civil Code language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citation in this section has been revised. This is a technical, nonsubstantive change.

In addition, adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citations gives the user required information. Providing in handbook the actual Civil Code citation is consistent with the format of the Adoptions Regulations.

Section 35095(a)(6) through (a)(6)(A)

Specific Purpose:

The specific purpose of this revision is to correct a typographical error and to revise the Civil Code citation.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. The previous Civil Code Section 224q is now located at 220.20(m) and 220.20(o). As a result, the Civil Code citations in these sections have been revised. In addition, typographical errors have been corrected by adding quotation marks. These are technical, nonsubstantive changes.

Handbook Subsections 35095(a)(6)(A)1. through (a)(6)(A)2.

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citation and to provide in handbook the actual Civil Code language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. Civil Code Section 224q which contained the definitions for "prospective adoptive parent," "place for adoption" and "personal knowledge" was placed in

the definitions section in Chapter 1363. They are also included in the definitions section of the Adoptions Regulations. As a result, the Civil Code citation has been revised to refer the user to the correct definitions sections where the citations are quoted in their entirety rather than duplicating it here. This is consistent with the format in the remaining Adoptions Regulations. This is a technical, nonsubstantive change.

The handbook subsection also adds at Subsection 35095(a)(6)(A)2. the Civil Code citation for Section 224.20. The remaining language of Civil Code Section 224q became 224.20 which is included in this subsection. Adoption agencies do not have Civil Codes for all staff. Providing the actual Civil Code citation in handbook provides the user with this information. This format is also consistent with the remaining Adoptions Regulations.

Section 35095(a)(6)(D)

Specific Purpose:

The specific purpose of these revisions is to revise the Civil Code citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. The previous Civil Code citations of Sections 224p and 224q are now located at 220.20(m), 220.20(o), 221.40 and 224.20. This change updates that information. This is a technical, nonsubstantive change.

Handbook Subsection 35095(a)(6)(D)1. through (a)(6)(D)2.

Specific Purpose:

The specific purpose of these changes is to update the Civil Code citation and language and to provide an additional Civil Code citation.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result, the Civil Code citation and some language in this handbook subsection have been revised.

The addition of a handbook subsection at Section 35095(a)(6)(D)2. referring the user to where Civil Code Sections 220.20(m), 220.20(o) and 224.20 can be found

eliminates the need to repeat them at this point. This is consistent with the format in the remaining Adoptions Regulations. These are technical, nonsubstantive changes.

Section 35095.1(b)(1)(B) through Handbook Subsection (b)(1)(B)1.

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and the Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citation in the handbook subsection has been revised due to a change in the numbering of that section. These are technical, nonsubstantive changes.

Section 35095.1(b)(1)(O)2. through Handbook Subsection (b)(1)(O)5.(i)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and the Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citation in the handbook subsection has been revised due to a change in the numbering of that section. These are technical, nonsubstantive changes.

Section 35095.2(b)(1)(B) through Handbook Subsection (b)(1)(B)1.

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and the Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citation in the handbook subsection has been revised due to a change in the numbering of that section. These are technical, nonsubstantive changes.

Sections 35095.2(b)(1)(W)2. through Handbook Subsection (b)(1)(W)5.(i)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and the Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citations in the handbook subsections have been revised due to changes in the numbering of those sections. These are technical, nonsubstantive changes.

Subsection 35099

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and renumber the remaining regulation.

Factual Basis:

The addition of a handbook subsection at Section 35099(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of accepting the mother's consent. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35109

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and renumber the remaining regulation.



Factual Basis:

The addition of a handbook subsection at Section 35109(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of accepting a consent signed in California. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35111

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

Factual Basis:

The addition of a handbook subsection at Section 35111(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of accepting out-of-state consents not initiated by the agency. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35111(a)(1) Renumbered to (b)(1) through (b)(2)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result, the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.

### Section 35113

#### Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

#### Factual Basis:

The addition of a handbook subsection at Section 35113(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of accepting out-of-state consents initiated by the agency. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook section, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

### Section 35117(a) through Handbook Subsection (a)(1)

#### Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

#### Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.

### Section 35119(a) through Handbook Subsection (a)(2)

#### Specific Purpose:

The specific purpose of these changes is to update the Civil Code and the Adoptions Regulations citations.

#### Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. The previous citation of Civil Code Section 224v is now 224.73. This change updates that

information. In addition, the Adoptions Regulations citation in the handbook subsection 35119(a)(2) has been revised due to a change in the numbering of that section. These are technical, nonsubstantive changes.

Handbook Subsections 35121(a)(3)(B) through (a)(4)(B)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code citations and language and the Adoptions Regulations citations. In addition, a typographical error is corrected.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. It also made minor grammatical changes to some language. The Adoptions Regulations citation in the handbook subsection (a)(4)(B) has been revised due to a change in the numbering of that section. In addition, a misplaced "Handbook Begins Here" has been deleted. These are technical, nonsubstantive changes.

Handbook Subsection 35123(a)(2)(D) through Handbook Subsection (a)(3)(A)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the format in handbook subsection (a)(3)(A) has been revised to indicate that the Civil Code citation is located elsewhere in regulation. This eliminates the need to duplicate the citation. This is consistent with the format in the remaining Adoptions Regulations. These are technical, nonsubstantive changes.

Section 35125

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulations.

Factual Basis:

The addition of a handbook subsection at Section 35125(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process when consent or petition has been withdrawn, the petition has been dismissed or the agency recommended removal of the child. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook section, the remaining regulation has been renumbered. This is a technical nonsubstantive change.

Sections 35125(a) Renumbered to (b) through Handbook Subsection (b)(3)(A)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.

Section 35126

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulations.

Factual Basis:

The addition of a handbook subsection at Section 35126(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of denying or dismissing the adoption petition. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Handbook Subsection 35126(a)(3)(E) Renumbered to (b)(3)(E)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result the Civil Code citations have been revised. These are technical, nonsubstantive changes.

Section 35127.1(a) through Handbook Subsection (a)(1)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.

Section 35127.2(a) through Handbook Subsection (g)(1)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.

Section 35134(a)(3)(A)

Specific Purpose:

The specific purpose of this change is to identify this section as handbook.

Factual Basis:

This is a technical, nonsubstantive change to correct a typographical error.

Section 35147(b)(1)(R)2. through Handbook Subsection (b)(1)(R)5.(i)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citations in handbook subsections 35147(b)(1)(R)2.(i) and 5.(i) have been revised due to a change in the numbering of those sections. These are technical, nonsubstantive changes.

Section 35147(b)(2)(T)2. through Handbook Subsection (b)(2)(T)5.(i)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citations in handbook subsections 35147(b)(2)(T)2.(i) and 5.(i), have been revised due to a change in the numbering of those sections. These are technical, nonsubstantive changes.

Sections 35147(b)(3)(V)2. through Handbook Subsection (b)(3)(V)5.(i)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citations in handbook subsections 35147(b)(3)(V)2.(i) and 5.(i), have been revised due to a

change in the numbering of those sections. These are technical, nonsubstantive changes.

Sections 35147(b)(4)(U)2. through Handbook Subsection (b)(4)(U)5.(i)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and Adoptions Regulations citations.

Factual Basis

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citations in handbook subsections 35147(b)(4)(U)2.(i) and 5.(i), have been revised due to a change in the numbering of those sections. These are technical, nonsubstantive changes.

Section 35148(b)(1)(P)2. through Handbook Subsection (b)(1)(P)5.(i)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citations in handbook subsections 35148(b)(1)(P)2.(i) and 5.(i), have been revised due to a change in the numbering of those sections. These are technical, nonsubstantive changes.

Sections 35148(b)(2)(R)2. through Handbook Subsection (b)(2)(R)5.(i)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citations in handbook subsections 35148(b)(2)(R)2.(i) and 5.(i), have been revised due to a change in the numbering of those sections. These are technical, nonsubstantive changes.

Sections 35148(b)(3)(T)2. through Handbook Subsection  
(b)(3)(T)5.(i)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citations in handbook subsections 35148(b)(3)(T)2.(i) and 5.(i), have been revised due to a change in the numbering of those sections. These are technical, nonsubstantive changes.

Section 35148(b)(4)(T)2. through Handbook Subsection  
(b)(4)(T)5.(i)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citations in handbook subsections 35148(b)(4)(T)2.(i) and 5.(i), have been revised due to a change in the numbering of those sections. These are technical, nonsubstantive changes.

Sections 35149(a)(3)(B) through Handbook Subsection  
(a)(3)(B)1.

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result, the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.



Sections 35151(a)(2)(C) through Handbook Subsection (a)(2)(C)1.

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations have been revised. These are technical, nonsubstantive changes.

Sections 35151(a)(3)(A) through Handbook Subsection (a)(3)(B)1.

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language and to reformat and renumber handbook subsections 35151(a)(3)(A)1. and 2..

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result, the Civil Code citations and some language in these sections have been revised. Handbook subsections 35151(a)(3)(A)1. and 2. have been reformatted and renumbered for clarity. These are technical, nonsubstantive changes.

In addition, the handbook subsection renumbered to 35151(a)(3)(A)2. has been revised to reflect changes made by Chapter 1363. This necessitated providing the Civil Code citation in its entirety. This is consistent in format with the remaining Adoptions Regulations. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user the information in a easily accessible source. These are technical, nonsubstantive changes.

Section 35157

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

Factual Basis:

The addition of a handbook subsection at Section 35157(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process for revoking a relinquishment. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35161

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

Factual Basis:

The addition of a handbook subsection at Section 35161(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of revocating the relinquishment by a parent who did not give physical custody of the child to the agency. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook section, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35167

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulations.

Factual Basis:

The addition of a handbook subsection at Section 35167(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of rescinding the relinquishment. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35167(a) Renumbered to (b) through Handbook Subsection (b)(1)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.

Section 35169

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

Factual Basis:

The addition of a handbook subsection at Section 35169(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of rescinding the relinquishment. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

#### Section 35171

##### Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

##### Factual Basis:

The addition of a handbook subsection at Section 35171(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of the assessment on the child. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

#### Section 35173

##### Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

##### Factual Basis:

The addition of a handbook subsection at Section 35173(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of obtaining documents, report and authorizations for the child's assessment. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35173(a)(3)(b) Renumbered to (b)(3)(A)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citation and correct a typographical error.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citation in this section has been revised. In addition a typographical error has been corrected by changing Section 35173(a)(3)(b) to (b)(3)(A). These are technical, nonsubstantive changes.

Handbook Subsection 35189(a)(3)(A)1.

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citation and to make grammatical corrections.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citation has been revised. In addition, grammatical corrections were made by adding the ellipses and a comma in the Civil Code language. These are technical, nonsubstantive changes.

Section 35191

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

Factual Basis:

The addition of a handbook subsection at Section 35191(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of giving information to the adoptive applicants. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook section, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35191(a)(2) Renumbered to (b)(2) through Handbook Subsection (b)(4)(A):

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citation has been revised due to a change in the numbering of that section. These are technical, nonsubstantive changes.

Section 35193

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

Factual Basis:

The addition of a handbook subsection at Section 35193(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process providing information and services to the adoptive applicants. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook section, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Handbook Subsection 35195(a)(7)(A)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citation and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result, the Civil Code citation and some language have been revised. These are technical, nonsubstantive changes.

Section 35199

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

Factual Basis:

The addition of a handbook subsection at Section 35199(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of exceptions to legally freeing a child prior to an adoptive placement. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35201

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulations.

Factual Basis:

The addition of a handbook subsection at Section 35201(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of placing the child for adoption. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook section, the remaining regulation Sections 35201(a) and (b) have been renumbered to (b) and (c). This is a technical, nonsubstantive change.

Section 35201(a)(2) Renumbered to (b)(2) through Handbook Subsection (b)(2)(D)

Specific Purpose:

The specific purpose of these changes and additions is to update the priority placement requirements as provided in the cited Civil Code sections.

Factual Basis:

Chapter 548 revised the priority placement requirements. As a result Section 35201(b)(2) was revised to reference the Civil Code section containing these requirements. Handbook subsections were added to indicate the actual language in the Civil Code. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this information in an easily accessible source. This format is also consistent with other handbook subsections in the Adoptions Regulations. Without this information the agency would not know the priority placement requirements required by law. This would make the subsequent adoption subject to legal challenge. Since these requirements are clearly stated in the Civil Code, the department does not have the option of changing them or developing their own, therefore, they must be used. These are technical, nonsubstantive changes.

Section 35203

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

Factual Basis:

The addition of a handbook subsection at Section 35203(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of determining exceptions to the priority placement requirements. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.



As a result of the addition of the handbook section, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Sections 35203(a)(1) Renumbered to (b)(1) through Handbook Subsection (b)(3)(B)

Specific Purpose:

The specific purpose of the change to Section 35203(b)(1) [renumbered from (a)(1)] is to correct a typographical error by adding a punctuation mark. The purpose of the change to Section 35203(b)(2) is to clarify that an exception to priority placement requirement shall be permitted when a child meets the requirements of the cited Civil Code section. The Civil Code citation pertaining to the adoptive placement of a child in foster care is then provided as handbook.

Remaining changes are to revise the Welfare and Institutions Code citations at Section 35203(b)(3)(A) and (B).

Factual Basis

The typographical error corrected at Section 35203(b)(1) is a technical, nonsubstantive change.

Civil Code Section 222.20 does not apply to children who have been adjudged to be dependents of the juvenile court. Regulation Section 35203(b)(2) is necessary for the user to be aware of the requirements for priority placement of these children to be adopted as stipulated in Civil Code Section 222.20. Adoption agencies do not have Civil Codes for all staff. Providing the requirement in regulation and the actual pertinent Civil Code cite in handbook provides the user with this information in an easily accessible source. Without this information the agency would not be aware of the additional exception to following the priority placement requirements. This would make the subsequent adoption subject to legal challenge. Since these requirements are clearly stated in the Civil Code, the department does not have the option of changing them or developing their own, therefore, these must be used. These are technical, nonsubstantive changes.

In addition, when these regulations were originally developed they contained in handbook subsection 35203(a)(2)(A) renumbered to (b)(3)(A), information from the Welfare and Institutions Code regarding children adjudged dependent of the court prior to January 1, 1989. However, the Welfare and Institutions Code information regarding children adjudged dependent of the court on or after January 1, 1989 was mistakenly omitted. Also, the language was revised in

subsequent legislation. These revisions add in handbook subsection the current Welfare and Institutions Code citation. Adoption agencies do not have Welfare and Institutions Code books for all staff. Providing the actual citation in handbook gives the user this information in an easily accessible source. Without these subsections the agency would not be aware of the different requirements for children adjudged dependents of the court prior to and on and after January 1, 1989. These are technical, nonsubstantive changes.

#### Section 35205

##### Specific Purpose:

The specific purpose of this change is to delete this section.

##### Factual Basis:

This section is no longer needed. This package proposes to add a handbook reference, at the beginning of each pertinent section, containing the information currently at Section 35205. This change is being made to provide the user with the information regarding the need to refer to the section on the ICWA at the beginning of each process; i.e., releasing information from the case file, freeing the child for adoption, placing the child for adoption, etc. before the process has started and not after or in the middle as is done in Section 35205. The Adoptions Regulations already contain an entire Subchapter, at Subchapter 8, on requirements agencies must follow to meet the requirements of the ICWA. Providing in handbook subsection at the beginning of each appropriate section will help to ensure agencies are aware of the need to be mindful of the requirements of the ICWA at the various stages of adoption planning. Without the deletion of Section 35205 there would be duplication in the Adoptions Regulations as well as possibly causing confusion to the user. This deletion is done for clarity and to remove duplication.

#### Section 35207

##### Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulations.

Factual Basis:

The addition of a handbook subsection at Section 35207(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of signing the adoptive placement agreement. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook subsection, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

Section 35207(a)(1)(B) Renumbered to (b)(1)(B) through Handbook Subsection (b)(1)(B)2.

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language. It also adds a Welfare and Institutions Code reference.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result, the Civil Code citations and some language in these sections have been revised. The Welfare and Institutions Code citation was not included previously in error and is now being added to provide the user with additional information regarding the agency's responsibility to retain custody of the court dependent child until the final decree of adoption has been ordered. Without this information the user would not be aware that both the Civil Code and the Welfare and Institutions Code require the agency to be responsible for the freed child until the decree of adoption has been ordered. These are technical, nonsubstantive changes.

Section 35207(a)(1)(N) Renumbered to (b)(1)(N) through Handbook Subsection (b)(1)(O)1.

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and Adoptions Regulations citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in these sections have been revised. In addition, the Adoptions Regulations citations in the handbook subsections 35207(b)(1)(N)2. and (O)1. have been revised due to changes in the numbering of those sections. These are technical, nonsubstantive changes.

Section 35209(a) through Handbook Subsection (a)(1)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result, the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.

Section 35217

Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

Factual Basis:

The addition of a handbook subsection at Section 35217(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of the supervisory period. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge. As a result of the addition of the handbook section, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

### Section 35223

#### Specific Purpose:

The specific purpose of the changes to this section is to add a handbook subsection alerting the user to refer to the section in the Adoptions Regulations for additional procedures for a child subject to the ICWA and to renumber the remaining regulation.

#### Factual Basis:

The addition of a handbook subsection at Section 35223(a) referring the user to additional procedures that must be followed when the child is subject to the ICWA alerts them at the beginning of the process of terminating the adoptive placement. Without this handbook reference at the beginning the agency could fail to follow the requirements of the ICWA. This would make the subsequent adoption subject to legal challenge.

As a result of the addition of the handbook section, the remaining regulation has been renumbered. This is a technical, nonsubstantive change.

### Section 35225(a)(1)

#### Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations.

#### Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code references have been revised. These are technical, nonsubstantive changes.

### Section 35227(a)(6) through Handbook Subsection (a)(6)(A)

#### Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations.

#### Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code references have been revised. These are technical, nonsubstantive changes.

Section 35231

Specific Purpose:

The specific purpose of this change is to revise the Civil Code citation.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code reference has been revised. This is a technical, nonsubstantive change.

Section 35249(a) through Handbook Subsection (a)(1)

Specific Purpose:

The specific purpose of these changes is to revise the Welfare and Institutions Code citation to the Civil Code and to revise the language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. Included in the recodification were those sections in the Welfare and Institutions Code that pertained to the Intercountry Adoptions Program. As a result, the Welfare and Institutions Code citations were changed to Civil Code and some language was revised. These are technical, nonsubstantive changes.

Section 35251(a)(1)(D)1.

Specific Purpose:

The specific purpose of this change is to correct a typographical error from cited Section 70-603.7 to 35269.

Factual Basis:

This is a technical, nonsubstantive change.

Handbook Subsection 35269(a)(5)(A)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citation and language and to add an appropriate punctuation mark.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result the Civil Code citations and some language have been revised. These revisions and the addition of a punctuation mark are technical, nonsubstantive changes.

Handbook Subsection 35271(a)(2)(G)1.

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citation and add appropriate punctuation marks.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code reference has been revised. This revision and the addition of appropriate punctuation marks are technical, nonsubstantive changes.

Section 35275

Specific Purpose:

The specific purpose of these changes is to revise the section to conform in format to the remaining Adoptions Regulations and to add handbook subsection 35275(a)(1).

Factual Basis:

Revising the section to conform in format is for consistency in the Adoptions Regulations. Adding Civil Code Section 226.35(a) in handbook is also consistent with the remaining Adoptions Regulations. Adoption agencies do not have Civil Codes for all staff. Providing in handbook the actual Civil Code citation gives the user this information in an easily accessible source. Without this regulation the agency would not be aware that the child cannot be placed for adoption unless the information specified in the Civil Code is obtained and submitted to the prospective adoptive parents and the prospective adoptive parents have acknowledged in writing its receipt. If the agency did not follow this requirement, the adoption would be subject to legal challenge. These are technical, nonsubstantive changes.

Section 35295

Specific Purpose:

The specific purpose of this change is to add clarifying language.

Factual Basis:

This regulation section currently requires the agency to submit the nonidentifying information to the prospective adoptive parents. However, it is not clear the information the regulation speaks to is that information obtained regarding the birth parents as required by Section 35289. Clarifying language is added. This is a technical, nonsubstantive change.

Section 35297(a)(5)(A)1. through Handbook Subsection (a)(5)(A)1.(i)

Specific Purpose:

The specific purpose of these changes is to revise the Welfare and Institutions Code citation to the Civil Code.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. Included in the recodification were those sections in the Welfare and Institutions Code that pertained to the Intercountry Adoptions Program. As a result, the Welfare and Institutions Code citations were changed to Civil Code. These are technical, nonsubstantive changes.

Section 35297(a)(5)(N)

Specific Purpose:

The specific purpose of these changes is to revise the Welfare and Institutions Code citation to the Civil Code.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. Included in the recodification were those sections in the Welfare and Institutions Code that pertained to the Intercountry Adoptions Program. As a result, the Welfare and Institutions Code citations were changed to Civil Code. These are technical, nonsubstantive changes.



Handbook Subsection 35315(a)(3)(A)1.(i)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citation.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result the Civil Code citation has been revised. These are technical, nonsubstantive changes.

Section 35321

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citation and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result the Civil Code citation and some language have been revised. These are technical, nonsubstantive changes.

Handbook Subsection 35325(a)(1)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code citations and to correct typographical errors by renumbering Sections 35325(a)(1)(A) through (E) to 35325(a)(1)(a) through (e) to conform to the format of the cited Welfare and Institutions Code.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations in Section 35325(a)(1)(e) has been revised. In addition, typographical errors have been corrected in the lettering of the sections. These are technical, nonsubstantive changes.

Handbook Subsection 35357(a)(2)(A) through (a)(2)(C)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code citations and language and the Adoptions Regulations citation.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result, the Civil Code citations and some language in these sections have been revised. In addition, the Adoptions Regulations citation at Section 35357(a)(2)(A) has been revised due to changes in the numbering of that section. These are technical, nonsubstantive changes.

Section 35367(a)(1)

Specific Purpose:

The specific purpose of these changes is to revise the Adoptions Regulations citations.

Factual Basis:

The references to the definitions sections of the Adoptions Regulations have been revised due to changes in those sections. These are technical, nonsubstantive changes.

Section 35369(a)(1)(D) through Handbook Subsection (a)(1)(D)1.

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citations have been revised. These are technical, nonsubstantive changes.

Handbook Subsection 35371(a)(2)

Specific Purpose:

The specific purpose of these changes is to revise the Civil Code citations and language.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. It also made minor grammatical changes to some language. As a result, the Civil Code citations and some language have been revised. These are technical, nonsubstantive changes.

Handbook Subsection 35379(a)(2)(B)

Specific Purpose:

The specific purpose of these changes is to update the Civil Code and Adoptions Regulations citations and to delete the entire existing Civil Code quotation.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result, the Civil Code citation in this section has been revised. The entire Civil Code quotation is deleted and a reference to another location in the Adoptions Regulations is provided to eliminate duplication. These are technical, nonsubstantive changes.

Section 35385(a)(3)

Specific Purpose:

The specific purpose of this change is to revise the Civil Code citation.

Factual Basis:

Chapter 1363 recodified all adoption laws and organized them into program specific areas. As a result the Civil Code citation has been revised. This is a technical, nonsubstantive change.

OFFICE OF ADMINISTRATIVE LAW

**FILED**  
In the office of the Secretary of State  
of the State of California

CERTIFICATION

OF

APPROVAL


AUG 2 1991

At 4:39 o'clock P. M.  
MARCH FONG ELI, Secretary of State  
By Ann M. Manassero  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES  
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OAL File No: 91-0703-04  
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JOHN D. SMITH  
Deputy Director

08/02/91  
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# EMERGENCY

## STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW

### NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See Instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-91-0723-01	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 7-0802-01E	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

1991 AUG -2 AM 9 16  
OFFICE OF  
ADMINISTRATIVE LAW  
ENDORSED  
APPROVED FOR FILING  
AUG - 2 1991

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG 2 1991

At 4:39 o'clock P.M.  
MARCH FONG EU, Secretary of State  
By Ann M. Manassero  
Deputy Secretary of State

AGENCY Department of Social Services	NOTICE	Office of REGULATIONS	AGENCY FILE NUMBER (if any) RDB #0191-06A
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#### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

#### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

##### 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND Division 12, Section 12-222.11
TITLE(S) MPP	REPEAL

##### 2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

##### 3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

##### 4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

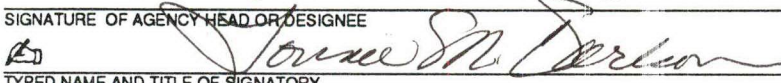
##### 5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON Jim Rhoads, Assistant Bureau Chief, Regulations Develop. Bureau	TELEPHONE NUMBER 445-0313
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7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 8-2-91
TYPED NAME AND TITLE OF SIGNATORY Lonnie M. Carlson, Interim Director	

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) ( REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the agency name and agency file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 12-222.11 to read:

12-222 PROGRAM PERFORMANCE STANDARDS - PATERNITY ESTABLISHMENT

12-222

.1 (Continued)

- .11 ~~The district attorney shall not establish paternity in any case involving incest/ forcible rape/ or in which proceedings for adoption are pending/ or in which~~ If the district attorney determines that establishing paternity would not be in the best interest of the child and the case involves incest, forcible rape or pending adoption proceedings, then the district attorney shall not attempt to establish paternity.

.111 (Continued)

.12 (Continued)

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.5(a) and (b).

## FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

## DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

- 1) Assembly Bill (AB) 1033 (Chapter 1647, Statutes of 1990) was enacted in order to provide the State Department of Social Services (SDSS) with an effective method of securing compliance with federal performance standards in connection with the IV-D program. The numerous federal standards are quite specific and often times limited. The law provides the mechanism for providing both incentives and sanctions on the basis of the local IV-D agency's performance with respect to these standards.
- 2) The Department must issue implementing regulations in order to make specific the statute's provisions and carry through on the enforcement provisions it contains. In order for the Department to begin the audit process in time to effect incentives and sanctions within the statute's intended operative time frame for commencing them, the regulations must be issued on an emergency basis. If the regulations are not issued on an emergency basis the Department will not be able to comply with either federal regulations or the statute's mandates, the anticipated salutary effects on performance will be delayed, and benefits to those receiving IV-D services (in terms of improved performance) will also be delayed.
- 3) The regulation as filed with the Secretary of State on July 29, 1991 contained an error which broadens the district attorney's ability to not pursue the establishment of paternity and could reduce the number of paternity establishments. It could also result in reduced collection of child support. It would also place the Department out of compliance with federal regulations which could result in potential loss of federal financial participation.

## INFORMATIVE DIGEST

State law designates SDSS as the supervising agency for the Child Support Enforcement Program (CSEP) and delegates the actual operation of the program to the county district attorneys. The latter are responsible for implementing all aspects of the CSEP at the local level.

AB 1033 (Chapter 1647, Statutes of 1990) amended Section 11475.2 and added Section 15200.8 et seq. to the Welfare and Institutions Code. Those sections require SDSS to develop a two-tiered, performance-based incentive system. The first tier is to provide a base incentive rate to all counties and a compliance incentive rate to those counties found to be in compliance with federal and state requirements for the CSEP. SDSS is designated as the agency responsible for determining each county's compliance.



These regulations are necessary to make specific the provisions of the recently enacted law. The regulations establish the standards by which counties will be measured as well as the procedures to be used in determining the counties' compliance.

#### COST ESTIMATE

1. Costs and Savings to State Agencies: Additional expenditures of \$297,000 in fiscal year (FY) 1991-92. It is anticipated that state agencies will request additional supplemental funding by means of "Budget Change Proposals" for the 1991-92 FY.
2. Costs and Savings to Local Agencies or School Districts: SDSS has determined that there is no fiscal impact on local agencies or school districts.
3. Nondiscretionary Costs or Savings to Local Agencies: Additional expenditures of approximately \$807,000 in FY 1991-92 which are not reimbursable by the state pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation provides savings to each affected unit of local government which will, at a minimum, offset any additional costs to each such unit.
4. Federal Funding to State Agencies: Additional expenditures of approximately \$2,143,000 in FY 1991-92.

#### LOCAL MANDATE STATEMENT

These regulations do impose a state mandate on local county welfare agencies, but not on school districts. There are no state mandated costs, however, because any costs associated with implementing the regulations are: 1) costs mandated by the federal government within the meaning of Government Code Section 17513; and/or 2) offset by revenues provided under the provisions of AB 1033.

#### AUTHORITY AND REFERENCE CITATIONS

SDSS adopts, amends and repeals these regulations pursuant to Sections 10553, 10554, 11475, 11475.1, and 11479.5 of the Welfare and Institutions Code.

These regulations implement, interpret and make specific Sections 4390.3, .10, and .17 and 4720.1 of the California Civil Code; 45 CFR 232.11, 302.31(a)(2), (a)(3)(i), (b), and (c), 302.32, 302.37, 302.50(a), 302.51 and .51(e)(3), 302.52, 302.54(a) and (b), 303.3(b), 303.4(b) and (d), 303.5(a) and (b), 303.6, 303.7(b)(1) through (5), (c)(4)(i) through (iii), (c)(5), (c)(6), (c)(7)(i) through (iv), (c)(8), (c)(9), (c)(10), and (d)(2), 303.30(a) and (b), 303.31(b) and (c), 303.100(a), (b), and (d), and 303.101(b)(2), and 305; Section 466(a)(10)(A) of the Social Security Act; and Sections 11475, 11475.1, 11479.5, 15200.8, 15200.85 and 15200.9 of the Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

**FILED**  
In the office of the Secretary of State  
of the State of California


AUG 2 1991

At 4:39 o'clock P. M.  
MARCH FONG EU, Secretary of State  
By Ann M. Mancoske  
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES  
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OAL File No: 91-0802-01  
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JOHN D. SMITH  
Deputy Director

08/02/91  
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